# FEDERAL REGISTER

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Washington, Thursday, March 27, 1952


## TITLE 3—THE PRESIDENT

### PROCLAMATION 2967

CANCER CONTROL MONTH, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the challenge of cancer has faced this Nation for many years and has been met, within the limits of our powers, by an expanded program of research, control, education, and service activities on the part of both public and private agencies; and

WHEREAS, in spite of these efforts and the great advances made in our knowledge of cancer, this disease continues to be the second highest cause of death in the United States, taking more than 200,000 lives each year; and

WHEREAS the focusing of public attention in a special way upon the problem of controlling cancer will serve to give renewed life and vigor to the efforts directed toward solving it; and

WHEREAS, by Public Resolution 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), the President is authorized and requested to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the month of April 1952 as Cancer Control Month; and I invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations. I also urge the medical profession, the press, the radio, television, and motion-picture industries, and all interested agencies and individuals to unite during April 1952 in public dedication to a program for the control of cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of March in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
*Secretary of State.*

[F. R. Doc. 52-3543; Filed, Mar. 25, 1952; 1:44 p. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 16, Amdt. 12]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

DIRECT WAREHOUSING AND DELIVERY OF FROZEN FOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 12 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATION

Section 21a of Ceiling Price Regulation 15 provides an allowance for any retailer under that regulation who warehouses frozen foods and delivers them to his retail store. This section was added to CPR–15 by Amendment 4 which became effective on June 25, 1951. At that time it was thought that no Group 1 or 2 stores handled frozen foods in this way and this allowance was not inserted in CPR–16.

It has since been called to the attention of OPS that there may be a few Group 1 or 2 stores, or Group 3 or 4

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### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

## CODIFICATION GUIDE—Con.



stores permitted to use CPR–16 mark-ups, which do warehouse and deliver frozen foods.

Therefore, this amendment gives those few stores under CPR–16 the same chance to qualify for this extra allowance as is given to stores under CPR–15. This amendment to CPR–16 cannot result in raising the cost of living to any significant extent because it affects only a very small number of stores.

In view of the remedial nature of this amendment, special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 25, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 21 is amended by the addition of a paragraph (f) to read as follows:

(f) Section 21a—*Additional allowance for warehousing and delivery of frozen foods*—(applies if you warehouse and deliver frozen foods to your retail store).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment shall become effective March 31, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
*Director of Price Stabilization.*

MARCH 26, 1952.

[F. R. Doc. 52-3585; Filed, Mar. 26, 1952; 11:15 a. m.]

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[Ceiling Price Regulation 133]

## CPR 133—CERTAIN CAPS, CLOSURES, AND PAPER AND PAPERBOARD CUPS AND CONTAINERS FOR MOIST, LIQUID, OILY AND FROZEN FOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 133 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation applies to sales by manufacturers of containers, caps, closures and similar products used in packaging moist, liquid, oily, and frozen foods and supersedes Ceiling Price Regulation 22 and the General Ceiling Price Regulation in that respect. The products covered by this regulation usually are made from a special sanitary paper or paperboard of high grade bleached chemical, groundwood, or combination pulps, and treated within or without, or both, for holding or protecting moist, oily, and liquid foods. Examples of these products are: paraffin cartons, carry-out and food pails, milk cartons, bulk ice cream cans, plates and dishes, cups and nested containers, liquid tight containers, glass milk bottle closures and metal and plastic bottle cap liners. Certain of the items such as milk bottle closures may be manufactured either completely or in part from materials other than special paper or paperboard, but are included in this regulation because the end use is the same and they have historically competed in this field with the paper or paperboard products. Products covered by this regulation exceeded $300,000,000 in value in 1950 and were produced by about one hundred companies.

Each product covered by this regulation is placed into one of nine separate categories for pricing purposes. For five of the categories specific dollar-and-cent ceiling prices are established for certain listed representative items with each other item in the category being priced in relation to its listed representative item. The method used to arrive at ceiling prices for items other than listed representative items is as follows: Divide the ceiling price established in the regulation for the listed item by the price of the identical item shown on a specific price list, as set forth in the regulation, that was in effect during the base period of January 25, 1951 through February 24, 1951. The result is the adjustment factor to be used in determining the ceiling price for each item in the same category. Multiply this adjustment factor by the price shown on the price lists in effect during the base period for the item being priced, and the result is the ceiling price for that item. With respect to the other four categories, it is not feasible to spell out prices for listed representative items in each of them because of industry practices of zoning, the large number of items in the categories and variations in the type or products. Therefore, ceiling prices for items in two of these categories are determined by multiplying the adjustment factor established under the regulation by the price of the item as shown on the price lists in effect during the base period of January 25, 1951 through February 24, 1951. Prices in the remaining two categories are frozen at the level prevailing during the base period. Each manufacturer must maintain the same price differentials, discounts and allowances in effect during the base period, based upon differences in classes of trade, location of purchasers, quantities, product variations, and in terms and conditions of sale or delivery.

For the past decade and a half there has been a marked increase in the sale of food in pre-packaged form. Much of this increase has been due to the development of low-cost containers made of paper or paperboard. Liquid tight containers made of paperboard have replaced or supplemented the use of tins; paperboard trays and dishes have replaced wood and tin trays and dishes. The packaging of butter, lard, shortening, margarine and ice cream and the tremendous growth in the use of frozen foods, most of which are packaged in paperboard containers, has increased the demand for more paperboard cartons. Meals served for industrial and institutional feeding, in hospitals and in schools, on railways and steamship lines, in planes, in factory and office building cafeterias, post exchanges, snack bars, churches, lodges, and similar establishments are frequently served in paperboard plates and cups. Of the 21 billion packages of milk marketed annually, approximately 8 billion are in cartons made entirely of paperboard while the remainder, usually in glass bottles, require the sanitary plug or lip cover type of closure, covered by this regulation, made of paper, paperboard, and other material.

This regulation establishes a level of prices which is approximately 2.9 percent higher than the level which has prevailed in this industry since the issuance of the General Ceiling Price Regulation. This price increase is the average amount that would be permitted for this industry as a whole under Manufacturers Ceiling Price Regulation, CPR 22, on account of certain labor and materials cost increases in the post Korean period. The increase above the level of current prices has been allowed under this regulation because representations made by the industry indicate that under the current level of prices, net profits before taxes in this industry would probably decline to a point below the minimum level consistent with the Industry Earnings Standard. The level of ceiling prices established by this regulation is about 16 percent above the level prevailing in this industry immediately prior to the outbreak of the Korean war.

Because of the essentiality of food container and closure products to the defense effort and to maintain health standards, and because of the perishable nature of the oily and liquid types of foods packed in paper and paperboard containers, the Director of Price Stabilization, in establishing these price levels, has given due consideration to the necessity of maintaining an uninterrupted supply of these packaging products.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period January 25, 1951, through February 24, 1951, and just before the issuance of this regulation, and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included fifteen meetings with seven industry advisory committees.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practice or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.



AUTHORITY: Sections 1 to 23 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Commodities covered by this regulation.* (a) This regulation supersedes Ceiling Price Regulation 22 and the General Ceiling Price Regulation with respect to sales by manufacturers of certain caps and closures, and paper and paperboard cups and containers for moist, liquid, oily and frozen foods. The food containers covered by this regulation are made from paper or paperboard composed mainly of virgin pulp and are divided into categories based upon the type and end use of the commodity as follows: (1) Paraffin cartons, (2) food and carryout pails, (3) liquid tight cylindrical containers, (4) milk cartons, (5) bulk ice cream cans, (6) nested cups and containers, and (7) paperboard plates and dishes. The caps and closures covered by this regulation include not only paperboard lids and slip-over covers for the cups and containers, but also all milk bottle caps and milk bottle closures regardless of the material used. Also covered by this regulation are laminated liners for metal or plastic bottle caps.

SEC. 2. *Applicability.* The provisions of this regulation apply to all sales within the 48 States of the United States and the District of Columbia by manufacturers of the commodities covered by this regulation.

SEC. 3. *Imports and exports.* The ceiling prices for imports and exports of the commodities covered by this regulation shall be determined under Ceiling Price Regulations 31 (Imports) and 61 (Exports), respectively, issued by the Office of Price Stabilization.

SEC. 4. *Ceiling prices for milk cartons.*—(a) *Definition.* Milk cartons are paperboard containers usually in half-pint, pint, one-third quart and quart sizes, coated, or designed for coating, with wax or plastic for packaging fluid milk, cream or buttermilk.

(b) *How to determine your ceiling prices.* Certain representative milk cartons are given specific dollar-and-cent ceiling prices in subparagraph (1) of this paragraph. These prices are used to establish an adjustment factor applicable to all other milk cartons on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative milk cartons.* The representative milk cartons and their ceiling prices per thousand are as follows:

| *Representative items* | *Ceiling price per M* |
|---|---|
| Conical, 1 quart, plain sidewall, carload quantity | $29.84 |
| Canco, 1 quart, 1 color, quantity, 250,000 and up | 18.15 |
| Sealking, 1 quart, 1 color, quantity, 500,000 and up | 18.73 |
| Pure-Pak, 1 quart, 1 color, regular style, gable, quantity, 500,000 and up | 11.31 |

(2) *Other milk cartons.* You shall determine the ceiling price of your other milk cartons as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative milk carton made by you and dividing it by the price of the identical item as it appears on your consumers' price list (defined in section 23), carrying your answer to three decimal places. Then multiply this adjustment factor by the price on your price list for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 5. *Ceiling prices for bulk ice cream cans.*—(a) *Definition.* Bulk ice cream cans are cylindrical containers with slip-on covers, made in sizes from one to five gallon capacity, customarily sold knocked down, to be subsequently set up by the packer with two metal reinforcing rings, which are furnished with, and included in, the price of the can.

(b) *How to determine your ceiling prices.* A representative bulk ice cream can is given a specific dollar-and-cent ceiling price in subparagraph (1) of this paragraph. This price is used to establish an adjustment factor applicable to all other bulk ice cream cans on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative bulk ice cream can.* The representative bulk ice cream can and its ceiling price per thousand is as follows:

| *Representative item* | *Ceiling price per M* |
|---|---|
| 2½ gallon, plain, quantity, 100,000 and up | $131.08 |

(2) *Other bulk ice cream cans.* You shall determine the ceiling price of your other bulk ice cream cans as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative bulk ice cream can made by you and dividing it by the price if the identical item as it appears on your consumers' price list (defined in section 23), carrying your answer to three decimal places. Then multiply this adjustment factor by the price on your price list for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 6. *Ceiling prices for nested cups and containers.*—(a) *Definition.* Nested cups and containers, with or without lids, are round paper or paperboard cups and containers, open at one end, which can be stacked one within another, and are used for serving and packing beverages and foods. They may be untreated, or treated with a wax or similar substance. Fluted or crimped paper products are not included. For pricing purposes the wide variety of nested cups and containers are divided into six subcategories, as follows:

(1) Conical and wedge shaped cups have a straight, flanged, or rolled rim open-end, and are made from a single piece of printed or plain paper.

(2) Pleated flat bottom cups have a rolled rim open-end and are made from a single piece of plain paper with vertical or box pleats.

(3) Light duty (two piece, flat bottom) cups and containers have a round open-end, with or without lid seat, are printed or plain, single wrap, and are made in two pieces (bottom and sidewall) of solid paper or paperboard of not more than 140 pound basis weight (24" x 36"—500).

(4) Paper food dishes have a straight, flanged or rolled rim open-end, the diameter of which is greater than the height of the dish, and made from a single piece of plain or printed paper, of

conical construction with a pointed, blunted or flat bottom.

(5) Heavy duty cups and containers have a round open-end, with or without lid seat, are printed or plain, single or double wrap, and are made from two pieces (bottom and sidewall) of solid paper or paperboard of not less than 141 pounds basis weight (24" x 36"—500) or the equivalent thereof, if laminated, double ply or double wrap paper or paperboard is used. They may be coated with a plastic or similar substance. This subcategory includes heavy duty molded cups and containers.

(6) Lids includes all types of paper or paperboard products used as covers, caps, closures or hoods for nested paper or paperboard cups or containers.

(b) *How to determine your ceiling prices.* Certain representative nested cups and containers are given specific dollar-and-cent ceiling prices in subparagraph (1) of this paragraph. These prices are used to establish an adjustment factor applicable to all other nested cups and containers on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative nested cups and containers.* The representative nested cups and containers for the various subcategories and their ceiling prices per thousand are as follows:

| Subcategory | Representative item | Ceiling prices per M |
|---|---|---|
| (i) Conical and wedge shaped cups | 4-ounce straight rim (conical or wedge shaped cup) | $1.55 |
| | 6-ounce rolled rim (conical cup) | 2.58 |
| (ii) Pleated flat bottom cups | 3½-ounce untreated water cup | 2.42 |
| | 5½-ounce untreated portion cup | 1.15 |
| (iii) Light duty (two-piece flat bottom) cups and containers | 5-ounce untreated water cup | 2.65 |
| | 7-ounce treated cold drink cup | 5.42 |
| | 3-ounce squat, treated container | 6.04 |
| (iv) Paper food dishes | 6-ounce straight rim conical dish | 1.71 |
| (v) Heavy duty cups and containers | 8-ounce hot drink cup, with handle, untreated | 11.44 |
| | 8-ounce hot drink cup, without handle, untreated | 10.88 |
| | 12-ounce squat, treated container | 17.41 |
| | 1 pint tall untreated "Nestyle" combination container and slip-over cover. | 23.02 |
| (vi) Lids | Plain lip tab lid for 3-ounce squat, treated, light duty container | 1.52 |
| | Plain disc lid for 12-ounce squat, treated heavy duty container | 5.08 |

(2) *Other nested cups and containers.* You shall determine the ceiling prices of your other nested cups and containers as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative item made by you and dividing it by the price of the identical item as it appears on your wholesalers' price list (defined in section 23), carrying your answer to three decimal places. Then multiply this adjustment factor by the price on your price list for the item being priced. The result is your ceiling price for that item.

*For example:* (1) Your adjustment factor:

| | |
|---|---|
| The ceiling price of the representative item | 5.42 |
| The prices of the representative item on your wholesalers' price list (or your price to wholesalers) | 5.30 |
| Your adjustment factor 5.42÷5.30 equals | 1.023 |
| (2) Your ceiling price for an item: | |
| The price on your price list for the item to be priced | 2.59 |
| Multiplied by the adjustment factor | ×1.023 |
| | 777 |
| | 518 |
| | 2590 |
| | $2.64957 |

Your ceiling price for the item is $2.65. Only fractions of one half cent or more may be increased to the nearest higher cent.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 7. *Ceiling prices for paperboard plates and dishes*—(a) *Definition.* Paperboard plates and dishes are made by embossing, stamping or pressing paperboard by use of dies or by shaping wet pulp in molds with vacuum and air pressure, and are generally used as receptacles for pie, cake, ice cream and other foods.

(b) *How to determine your ceiling prices.* Certain representative paperboard plates and dishes are given specific dollar-and-cent ceiling prices in subparagraph (1) of this paragraph. These prices are used to establish an adjustment factor applicable to all other paperboard plates and dishes on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative paperboard plates and dishes.* The representative paperboard plates and dishes and their ceiling prices delivered in Zone "A" (defined in paragraph (d) of this section) are as follows:

| *Representative items* | *Ceiling prices* |
|---|---|
| 9-inch white lined plates | $6.35 per M. |
| 9-inch groundwood plates | $5.83 per M. |
| No. 100 white lined dishes | $4.05 per M. |
| No. 100 groundwood lined dishes. | $3.83 per M. |
| White lined packages, 9-inch plates, 8 per package. | $1.24 per doz. |
| White lined packages, decorated, 9-inch plates, 6 per package. | $1.24 per doz. |
| Round package, 8-inch colored plates, 24 per package. | $2.57 per doz. |
| Butter chips, chip size | $0.56 per M. |
| 9-inch rough molded plates | $6.72 per M. |
| 9-inch smooth molded plates | $9.47 per M. |
| No. 100 molded trays | $3.96 per M. |
| Package, 9-inch rough molded plates, 12 per package. | $1.29 per doz. |
| Package, 9-inch smooth molded plates, 16 per package. | $2.06 per doz. |

(2) *Other paperboard plates and dishes.* You shall determine the ceiling prices of your other paperboard plates and dishes as follows: First, determine your adjustment factor by taking the ceiling price established in subparagraph (1) of this paragraph for the representative item made by you and dividing it by the price of the identical item as it appears on your jobbers' price list (defined in section 23) for Zone "A", carrying your answer to three decimal places. Then, multiply this adjustment factor by the price on your price lists for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

(d) *Zone A consists of the following:* All of the states of Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Illinois, except the cities of Moline and Rock Island; southern peninsula of Michigan; cities of Cape Girardeau, Hannibal, New Madrid, Ste. Genevieve, and St. Louis in Missouri; Virginia, except the city of Bristol; and Wisconsin, except all cities south of an east and west line drawn just south of Chippewa Falls.

SEC. 8. *Ceiling prices for liners for metal or plastic bottle caps*—(a) *Definition.* Liners for metal or plastic bottle caps include paperboard or cork, laminated with aluminum or tin foil facing or paper facing and used to line the inside of metal or plastic bottle caps.

(b) *How to determine your ceiling prices.* A representative liner for metal or plastic bottle caps is given a specific dollar-and-cent ceiling price in subparagraph (1) of this paragraph. This price is used to establish an adjustment factor applicable to all other liners for metal or plastic bottle caps on your price lists (defined in section 23) to determine their ceiling prices.

(1) *Representative liner for metal or plastic bottle caps.* A representative liner and its ceiling price is as follows:

| *Representative item* | *Ceiling prices per sq. yd.* |
|---|---|
| 0.035 caliper, "pulp and yellow oil" liner, unwaxed | $0.3122 |

(2) *Other liners for metal or plastic bottle caps.* You shall determine the ceiling prices of your other liners for metal or plastic caps as follows: First, determine your adjustment factor by taking the ceiling price of the representative item in subparagraph (1) of this paragraph and dividing it by the price of the identical item as it appears on your consumers' price list (defined in section 23), carrying your answer to three decimal places. Then, multiply this adjustment factor by the price on your price lists for the item being priced. The result is your ceiling price for that item. For an example, see section 6 (b) (2).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 9. *Ceiling prices for paraffin cartons*—(a) *Definition.* Paraffin cartons are paperboard containers coated with wax or similar substance to protect the contents and made in consumer sizes for packaging by manufacturers of butter, lard, shortening, margarine, ice cream, frozen foods, and similar items.

(b) *How to determine your ceiling prices.* The ceiling price of a paraffin carton shall be the price as it appeared on your price list (defined in section 23) in effect during the period January 25, 1951 through February 24, 1951.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 10. *Ceiling prices for food and carry-out pails*—(a) *Definition.* Food and carry-out pails are paperboard wedge shaped containers usually in half-pint, pint and quart sizes, either without handles or with wire or tape handles, and used primarily by retailers to hand-pack ice cream, pickles, cottage cheese, oysters and other moist, oily, or liquid foods.

(b) *How to determine your ceiling prices.* The ceiling price of a food or carry-out pail shall be the price as it appeared on your price list (defined in section 23) in effect during the period January 25, 1951 through February 24, 1951.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 11. *Ceiling prices for liquid tight cylindrical containers*—(a) *Definition.* Liquid tight cylindrical containers are made of paperboard produced from chemical or mechanical pulp, or both, waxed and spirally wound on a mandrel to form containers for the packaging of coffee, ice cream, oysters and other moist, oily or liquid foods.

(b) *How to determine your ceiling prices.* The ceiling price of a liquid tight cylindrical container shall be determined by you as follows: Take the price of the container as it appears on your price list (defined in section 23) and multiply it by 1.034. The adjustment factor, 1.034, is applicable to all liquid tight cylindrical containers on your price lists. For example:

| | |
|---|---|
| The price of the item on your price list | $33.25 |
| Multiplied by the adjustment factor | ×1.034 |
| | 13300 |
| | 9975 |
| | 33250 |
| | 34.38050 |

Your ceiling price is $34.38. Only fractions of one-half cent or more may be increased to the nearest higher cent.

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 12. *Ceiling prices for milk bottle caps and closures*—(a) *Definitions.* Milk bottle caps and closures include all products used as caps, closures or hoods for glass milk bottles, whether such products are made of paperboard, cellophane, aluminum, or any other material.

(b) *How to determine your ceiling prices.* The ceiling price of milk bottle caps and closures shall be determined by you as follows: Take the price of the milk bottle caps and closures as they appear on your price list (defined in section 23) and multiply it by 1.023. The adjustment factor, 1.023, is applicable to all milk bottle caps and closures on your price lists. For an example, see section 11 (b).

(c) *Differentials.* You shall maintain your customary price differentials, discounts and allowances as required by section 14.

SEC. 13. *Rounding of prices.* In rounding prices to the nearest cent, (a) fractions of one-half cent or more may be increased to the nearest higher cent, and (b) fractions of less than one-half cent shall be decreased to the nearest lower cent.

SEC. 14. *Differentials, discounts and allowances.* Your ceiling prices, when determined under this regulation, shall reflect your customary price differentials, discounts and allowances in effect during the base period January 25, 1951 through February 24, 1951, based upon differences in classes of trade, location of purchasers, quantities, product variations, or in terms and conditions of sale or delivery.

SEC. 15. *Ceiling prices for items which cannot be priced under other sections.* (a) If you are unable to determine your ceiling price for an item under any of the foregoing sections of this regulation, you shall apply in writing by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain: (1) An explanation of why you are unable to determine your ceiling price under any other section of this regulation; (2) a description of the item being priced; (3) your proposed ceiling price; (4) the ceiling price under this regulation and description of the most comparable item made by you; (5) the detailed current unit direct cost of the comparable item; (6) the detailed current unit direct cost of the item being priced; and (7) the ceiling price under this regulation of your closest competitor for the same item as the item being priced, or, if the same item is not made by him, his most comparable item. You shall also submit any clarifying information subsequently requested by the Office of Price Stabilization.

(b) Except as provided in paragraph (c), you may not sell the item to be priced until the Director of Price Stabilization in writing establishes your ceiling price for the item. However, if within 21 days from the filing of the application you have not received notice from the Director approving, disapproving, or modifying the proposed charge or factor, requesting additional information, or extending for cause the time within which to do any of the foregoing, such application may be deemed to have been approved, subject to non-retroactive disapproval or modification at any later time by the Director.

(c) Where the item to be priced under this section was manufactured and sold by you prior to the effective date of this regulation, you may continue to sell such item at a price not to exceed the highest price actually charged each class of trade (defined in section 23) during the period February 24, 1951 and the effective date of this regulation, until your ceiling price for the item has been established by paragraph (b) of this section.

SEC. 16. *Adjustable pricing.* Any person may agree to sell or may sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, agree to sell or sell at prices to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the Defense Production Act of 1950, as amended.

SEC. 17. *Records*—(a) *Base period records.* On or after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall maintain and keep for examination by the Director of Price Stabilization, all your existing records relating to the prices of commodities covered by this regulation which you sold, contracted to sell, or offered to sell in writing at a definite price, together with the differentials, discounts and allowances charged or offered in writing, during the base period January 25, 1951 through February 24, 1951.

(b) *Current records.* On and after the effective date of this regulation, you shall make and keep for examination by the Director of Price Stabilization for a period of two years after each sale a duplicate invoice rendered by you to the purchaser within 10 days of shipment, stating (1) the name and address of the seller; (2) the name and address of the buyer or consignee if other than the buyer; (3) the date of shipment; (4) the f. o. b. point; (5) the price charged per unit of sale; (6) the quantity sold; and (7) the name and identification of the commodity. Any transportation charge or allowance shall be stated separately if such has been your practice.

SEC. 18. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the issue date of this regulation and the transferee carries on the business or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee and his practice with respect to sales of the commodities covered by this regulation shall be the same as those to which the transferor would have been subject if no such transfer had taken place, and his obligation to keep records in accordance with section 17 shall be the same. The transferor shall either preserve and make available, for so long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter, or turn over to the transferee all records of transactions prior to the transfer which are necessary

to enable the transferee to comply with the record keeping provisions of this regulation.

SEC. 19. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, revised.

SEC. 20. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 21. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 22. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, revised.

SEC. 23. *Definitions and explanations.* The terms used in this regulation shall be construed as follows, unless the context clearly requires a different meaning:

"Base period" means the period from January 25, 1951 to February 24, 1951, inclusive.

"Bulk ice cream cans" is defined in section 5 (a).

"Category" refers to a group of items which are normally classed together in your industry by their type and end use.

"Consumers" are persons who buy the commodities covered by this regulation to use as packaging for vending their products.

"Caps and closures" is defined in section 12 (a).

"Class of trade" refers to the practice of setting different prices for sales to different groups of purchasers based on the characteristics or distributive level of the purchaser as a consumer, wholesaler, jobber or retailer.

"Consumers' price list"—see "price list."

"Food and carry-out pails" is defined in section 10 (a).

"Item" means a commodity or product covered by this regulation which is sold in a unit or quantity.

"Jobbers" means quantity purchasers who resell the commodities unfilled and in unchanged form to consumers and retailers.

"Jobbers price list"—see "price list."

"Liners" is defined in section 8 (a).

"Liquid tight cylindrical containers" is defined in section 11 (a).

"Manufacturer" means any person who produces from any raw material any of the commodities or products covered by this regulation and includes agents or representatives of such person.

"Milk cartons" is defined in section 4 (a).

"Most comparable item" means the commodity made by you which is (a) in the same category and (b) differs the least from the commodity to be priced as determined by the use of the following tests, to be applied successively: (1) size, (2) shape, (3) style, and (4) material used.

"Nested cups and containers" is defined in section 6 (a).

"Paperboard plates and dishes" is defined in section 7 (a).

"Paraffin cartons" is defined in section 9 (a).

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing.

"Price list" means a written document of one or more pages which has been published or circulated to the trade or your salesmen during the base period January 25, 1951, through February 24, 1951. It shall contain sufficient information about the items listed in it and manufactured by you so that a definite sales price can be determined for the items by the sole use of the document itself. The terms "consumers' price list", "wholesalers' price list" and "jobbers' price list" means a price list from which the prices of items thereon for sale to consumers, wholesalers or jobbers, respectively, can be determined, and the price to which reference is made on such list means the price to such a purchaser.

"Records" includes, without limitation, books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers, documents, letters and correspondence.

"Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "sold", "buy", "purchase", and "purchaser", shall be construed accordingly.

"Wholesalers" means quantity purchasers who resell the products unfilled and in unchanged form to consumers and retailers.

"Wholesalers' price list" see "price list."

"You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

*Effective date.* This regulation shall become effective March 31, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
*Director of Price Stabilization.*

MARCH 26, 1952.

[F. R. Doc. 52-3588; Filed, Mar. 26, 1952; 4:00 p. m.]

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[General Ceiling Price Regulation, Supplementary Regulation 92]

## GCPR, SR 92—CEILING PRICES OF BY-PRODUCTS FEEDS OF THE WET MILO MILLING INDUSTRY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 92 to the General Ceiling Price Regulation is hereby issued.

### STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes dollars-and-cents ceiling prices for sales at the producer and distributor levels of the feed by-products of the wet milo milling industry.

Milo, a variety of grain sorghum grown particularly in the southwestern area of the United States, is closely related chemically to corn. The wet milo milling industry is an industry developed recently by the joint efforts of the United States Department of Agriculture and the Corn Products Refining Company. The main products of this industry are starch and dextrose which are sold under brand names used for the same products derived from corn. The by-product feeds of the industry are milo gluten feed and milo gluten meal. Both by-products are residual products obtained

after the extraction of the starch and dextrose from the milo. At the present time milo is being processed only at one plant in the United States, situated at Corpus Christi, Texas.

Chemical analyses demonstrate that the chemical composition of the feed by-products of the wet corn milling industry and the feed by-products of the wet milo milling industry are substantially identical. Milo gluten feed and milo gluten meal are used in the same manner as gluten feeds and meals and can be used to a great extent as substitutes for corn gluten meal and feed.

Prices for these feed by-products were frozen at depressed levels, first under the General Ceiling Price Regulation (GCPR) and then under Supplementary Regulation (SR) 18 to the GCPR, both of which have the same base period. It is the purpose of this supplementary regulation to restore a price level more nearly approaching normal and to provide an orderly pricing structure for these feeds.

The following conditions account for the low ceiling prices of these feeds which now prevail.

First, milo feed by-products as a new product were being sold at a low introductory price prior to and during the GCPR base period.

Second, the price of the feed by-products of the wet corn milling industry for which the milo feed by-products can be to a great extent substituted was depressed for the reasons set forth in the Statement of Considerations in SR 86 to the GCPR.

This supplementary regulation attempts to correct present pricing conditions in the industry by establishing a ceiling price for these feed by-products which will reflect their competitive relationship to corn gluten feeds and also reflect their comparative feeding value, as evidenced by the chemical analyses and the fact that they can be used to a great extent interchangeably with corn gluten feeds.

On the basis of the competitive relationship and the close chemical relationship of wet corn feed by-products and wet milo feed by-products and the fact that each can be substituted for the other with success, the following ceiling price, per ton, bulk, in carload quantities is established at Corpus Christi, Texas: $68.00 for milo gluten meal; $51.00 for milo gluten feed and all other feed by-products of the wet milo milling industry. Ceiling prices for milo gluten feeds and meal at any point other than Corpus Christi, Texas may be obtained by adding to the ceiling prices established at Corpus Christi, Texas the actual transportation costs incurred to ship the by-products to such point from Corpus Christi, Texas.

Provisions have also been included in this regulation for wholesalers' and retailers' ceiling prices; for sacking differentials; and for ceiling prices on failure to meet minimum protein guarantees.

The ceiling prices established for the milo wet milling by-product feeds in this regulation are higher than the prices prevailing during the period January 25, 1951 through February 24, 1951 inclusive, and are higher than the prices prevailing before the date of issuance of this regulation. The margins for distributors established by this regulation meet the standards of the Defense Production Act of 1950, as amended.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there was consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Producers' ceiling prices for sales in bulk.
3. Ceiling prices for jobbers, wholesalers and retailers.
4. Sacking charges.
5. Definitions.
6. Applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by producers and distributors of the feed by-products of the wet milo milling industry. For the sellers and products covered, this supplementary regulation supersedes Supplementary Regulation 18 to the General Ceiling Price Regulation and the provisions of the General Ceiling Price Regulation that are inconsistent with the provisions of this supplementary regulation. This supplementary regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 2. *Producers' ceiling prices for sales in bulk*—(a) *Ceiling prices, per ton, bulk, carload quantities, standard protein content.* (1) If you are a producer, your ceiling prices at Corpus Christi, Texas, per ton, bulk, in carload lots, carload shipments or pool car lots for the feed by-products of standard protein content set forth in Table A are the prices set forth in the same table.

TABLE A—PRODUCERS' CEILING PRICES

| Feed byproduct | Standard protein content (percent) | Ceiling price per ton bulk |
|---|---|---|
| Milo gluten meal | 41 | $68.00 |
| Milo gluten feed | 23 | 51.00 |
| All other feed byproducts of the wet milo milling process | | 51.00 |

(2) Your ceiling price at any point other than Corpus Christi, Texas, is the applicable ceiling price set forth in Table A plus the actual transportation costs incurred to ship the by-product to such point from Corpus Christi, Texas.

(b) *Ceiling prices for feed by-products of less or more than standard protein content.* (1) If you sell and deliver a by-product feed of less than standard protein content set forth for that feed in Table A, you must, in computing your ceiling price, reduce the price set forth in Table A in such proportion as the deficiency bears to the standard protein content.

*Example.* A wet milo miller delivers in bulk a carload lot of milo gluten feed to a purchaser in Corpus Christi. Upon analysis, this lot is found to have a protein content of 21 per cent, or 2 per cent below standard protein content. In computing his ceiling price, the miller must subtract from the per ton, bulk ceiling price of $51.00, as set forth in Table A, 2/23 of $51.00, or $4.43. This gives him a ceiling price, per ton, bulk of $46.57.

(2) If you sell and deliver a by-product feed of more than standard protein content set forth in Table A, your ceiling price shall be the same as your ceiling price for that feed of standard protein content.

SEC. 3. *Ceiling prices of jobbers, wholesalers and retailers.* If you are a jobber, wholesaler or retailer of any feed by-product, your ceiling price is your supplier's ceiling price to you for such product plus the percentage margin over the cost of the product which you received on a sale or delivery by you of such product during the period May 24, 1950 to June 24, 1950.

SEC. 4. *Sacking charges.* If (a) you are a producer and you sell and deliver a lot of any feed by-product in sacks; or (b) if you are a jobber, wholesaler or retailer and you sack any lot of a feed by-product which you buy in bulk, you may add $7.00 per ton to your ceiling price for such lot, as otherwise determined under this regulation.

SEC. 5. *Definitions*—(a) *Sellers covered by this regulation.* (1) "Producer" means a person who mills unprocessed milo by the wet milling process into any of the feed by-products covered by this regulation.

(2) "Distributor" means a jobber, wholesaler or retailer.

(3) "Jobber," with respect to any lot, means a person, other than a producer, wholesaler or retailer, who sells such lot without having previously unloaded it into a warehouse or store.

(4) "Retailer" means a person, other than a producer, who maintains a store and who, with respect to any lot he has purchased and unloaded into that store, resells such lot to a feeder. "Store" means a building where a regular business of selling and delivering feeds and/or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis, in such business or in a general retail business of which such feed and grain business is a part. "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(5) "Wholesaler" means, with respect to any lot:

(i) A person, other than a producer who, after having unloaded it into a warehouse or store, sells such lot to any one other than a feeder; or

(ii) A person, other than a producer, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(b) *Products covered by this regulation.* (1) "Milo gluten feed" means that part of the grain of milo that remains after the extraction of the larger part of the starch and germ by the processes employed in the wet milling manufacture of starch or dextrose.

(2) "Milo gluten meal" is that part of the grain of milo that remains after the extraction of the larger part of the starch and germ and the separation of the bran by the processes employed in the wet milling manufacture of starch or dextrose.

(3) "Other feed by-products of the wet milo milling industry" means any other feed by-product, not covered under subparagraphs (1) and (2) of this paragraph, but obtained in the wet milling process of manufacture of milo starch, dextrose and other milo products.

(4) "Feed by-product" includes any of the products described in subparagraphs (1), (2) and (3) of this paragraph.

(c) *Miscellaneous definitions.* (1) "Carload lot" means any lot of 60,000 pounds or more.

(2) "Carload shipment" means any quantity which moves as a rail car shipment under the applicable railroad tariff requirements.

(3) "Pool car lot" means a lot being shipped to the purchaser as part of a rail carload shipment of commodities sold by one seller to two or more persons.

(4) "Actual transportation costs incurred" means:

(i) Where the carrier is not owned or controlled by the seller, the charge incurred or the amount paid by him to the carrier not exceeding any applicable common or contract carrier rate for such service, or any applicable ceiling price prescribed by the Office of Price Stabilization for such service. This amount may include, if applicable, the 3 percent transportation tax.

(ii) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation, not exceeding the common or contract carrier rate, if any, or any ceiling price prescribed by the Office of Price Stabilization for such service if performed by a person other than the seller.

SEC. 6. *Applicability of the General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this supplementary regulation remain in full force and effect.

*Effective date.* This supplementary regulation becomes effective March 31, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MARCH 26, 1952.

[F. R. Doc. 52-3586; Filed, Mar. 26, 1952; 11:15 a. m.]

No. 61——2

[General Overriding Regulation 14, Amdt. 9]

## GOR 14—EXCEPTED SERVICES

### TERMINAL, DOCK OR WAREHOUSING SERVICES OF GOVERNMENT OR GOVERNMENTAL AGENCY

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 9 to General Overriding Regulation 14 is hereby issued.

### STATEMENT OF CONSIDERATIONS

This amendment exempts from ceiling price regulation the charges for services supplied directly by Federal, State or local Government, or any agency of such government, in operation of terminal, dock, or warehousing facilities.

Amendment 2 to GOR 14, effective September 19, 1951, included a new provision, stated in section 3 (a) (89), which had the effect of exempting "governmental" services generally, but terminal, dock and warehousing services were specifically excluded from that exemption, and hence remained subject to ceiling price control.

On further consideration the Director is of the opinion that the rationale supporting the exemption of "governmental" services generally should be applied to terminal, dock and warehousing services supplied directly by government authorities or agencies thereof. The services here involved have as their basic purpose the stimulation of commerce to or through the particular area or locality in question for the benefit of the general public. Hence, the charging of unreasonable or oppressive rates would defeat the very purposes for which the operations are instituted. For these reasons, the Director is of the opinion that the governmental bodies which operate such facilities will guard against any abuse in the matter of charges made for the services, and therefore such terminal, dock and warehouse operations should be included in the general exemption of "governmental" services as covered in section 3 (a) (89) referred to above.

Prior to the issuance of this amendment the Director has consulted with representatives of governments and government agencies affected by this action.

### AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

Subparagraph (89) of paragraph (a) of section 3 is amended by deleting the last full sentence thereof, the matter deleted reading as follows: "This exemption also does not apply to services supplied in connection with terminals, docks or warehousing facilities by any such government or governmental agency."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This Amendment 9 to General Overriding Regulation 14 shall be effective March 26, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MARCH 26, 1952.

[F. R. Doc. 52-3587; Filed, Mar. 26, 1952; 11:15 a. m.]

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[General Ceiling Price Regulation, Supplementary Regulation 93]

## GCPR, SR 93—VENDING MACHINE SALES OF CIGARETTES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to the General Ceiling Price Regulation is hereby issued.

### STATEMENT OF CONSIDERATIONS

This supplementary regulation allows sellers who distribute cigarettes from coin operated automatic vending machines and whose ceiling prices for such sales are 21 or 26 cents, respectively, to adjust their prices to 22 or 27 cents, respectively.

At the present time the ceiling prices of sellers who distribute cigarettes through vending machines are governed by the General Ceiling Price Regulation (GCPR), as supplemented by Supplementary Regulation (SR) 29. Because of the peculiar problems of cigarette vending machines, a regulation tailored to the specific needs of that industry is now being prepared. The issuance of that regulation awaits only the collection and analysis of appropriate data.

One problem faced by the cigarette vending machine industry is so pressing as to require immediate treatment. On October 31, 1951, a number of cigarette vending machines had ceiling prices of 20 or 25 cents per pack, depending on the amount of the state tax. On November 1, 1951, an increase of 1 cent per pack in the federal excise tax was imposed and these machines were authorized to increase their ceiling prices to 21 or 26 cents. If they were to collect this extra penny, the vending machine operators would have been forced to change the coin mechanism in the machines so that they would accept 25 or 30 cents. Change would have been returned by placing 4 pennies underneath the cellophane of each pack of cigarettes.

Only 3 pennies can be placed on one side of a pack of cigarettes, so that it would have been necessary for these operators to place 2 pennies on each side. It is more costly to place pennies on both side of a pack of cigarettes; indeed, it cost approximately 1 cent per pack. Thus, it would have cost these sellers as much to collect the extra cent per pack as they would take in in increased revenues. Under these circumstances, whether or not the seller raises his price by the allowable amount he is forced to absorb the increase in federal excise tax. To permit these sellers to recover the increase in excise tax that they now must

absorb, this supplementary regulation allows sellers who distribute cigarettes through coin operated automatic vending machines and who have ceiling prices of 21 or 26 cents to increase these prices to 22 or 27 cents. The relief granted is, however, limited to those sellers for whom a 20 or 25 cent selling price results in less than a 5 cent margin, since sellers with higher margins can afford to absorb these increased costs under the industry earnings standard.

In the formulation of this regulation the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendation. In the Director's judgment the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended; to parity prices and other minimum requirements of the law, including prices prevailing during the period from May 24 to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Ceiling prices established by this regulation.
4. Continued applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation allows most sellers who distribute cigarettes from coin operated automatic vending machines to increase their ceiling prices for sales of cigarettes from these machines by 1 cent when their ceiling prices per package of cigarettes are 21 or 26 cents.

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 states of the United States and in the District of Columbia.

SEC. 3. *Ceiling prices established by this regulation.* If you sell cigarettes from a coin operated automatic vending machine and your ceiling price (including excise, sales and gross receipts taxes) for such sales is 21 or 26 cents per package, respectively, you may raise your ceiling price to 22 or 27 cents per package, respectively. However, you may not increase the ceiling price per package of cigarettes sold from any vending machine pursuant to this section unless a selling price of 20 or 25 cents per package, respectively, from that machine is less than your net invoice cost per package of cigarettes plus state or local excise, sales, gross income and gross receipts taxes paid by you plus 5 cents per package.

SEC. 4. *Continued applicability of the General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation and Supplementary Regulation 29 thereto, except as modified by this supplementary regulation, continue to apply to you even though you are one of the sellers who are authorized under this regulation to increase their ceiling prices.

*Effective date.* This supplementary regulation to the General Ceiling Price Regulation is effective March 31, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MARCH 26, 1952.

[F. R. Doc. 52-3589; Filed, Mar. 26, 1952; 4:00 p. m.]

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## Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 5, Amendment 1 of March 26, 1952]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

PRINTING PLATES

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects CMP Regulation No. 5, as amended, by adding the following item to Schedule I to CMP Regulation No. 5:

12. Printing plates.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82nd Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-3579; Filed, Mar. 26, 1952; 11:04 a. m.]

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[CMP Regulation No. 5, Direction 1 as Amended March 26, 1952]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 1—ACQUISITION OF CERTAIN MATERIALS AS MRO REGARDLESS OF ESTABLISHED ACCOUNTING PRACTICE

This amended direction under CMP Regulation No. 5 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects Direction 1 to CMP Regulation No. 5 by deleting the title and sections 1, 2, 3, and 4 and by substituting a new title and new sections 1 and 2 therefor. As so amended, the direction reads as follows:

Sec.
1. What this direction does.
2. Persons and products to which this direction applies.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this direction does.* The purpose of this direction is to permit specified classes of users to apply the allotment symbol MRO or the rating DO-MRO to their delivery orders for certain specified materials, regardless of the established accounting practice of such users.

SEC. 2. *Persons and products to which this direction applies.* (a) Persons who manufacture products or who engage in activities listed below may apply the allotment symbol MRO or the rating DO-MRO to their delivery orders for the materials listed below for use in such manufacture or activities, regardless of their established accounting practice.

| *Product or activity* | *Material that may be purchased under this direction* |
|---|---|
| Products of printing and publishing business. | Steel stitching wire. Rolled, forged, and cast anodes. |
| Footwear | Toe lasting wire, staple wire, grip tacked wire, slugging wire, taper nail wire, wire used for similar purposes, and all types of staples. |

(b) Purchases under this direction need not be charged against the purchaser's MRO quota under CMP Regulation No. 5, if the purchaser did not include the type of materials so purchased in computing such MRO quota.

This direction as amended shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-3582; Filed, Mar. 26, 1952; 11:04 a. m.]

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[NPA Order M-92 as Amended Mar. 26, 1952]

M-92—AUTOMOBILE WRECKERS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order as amend-

ed, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-92, effective December 11, 1951, as amended by Amendment 1 of February 27, 1952 is affected as follows:

The third sentence of section 1 is deleted. A change is made in the definition of motor vehicle in section 2 (g) and car-unit as defined in section 2 (h). Section 3 (b) is changed in certain minor respects. Section 4 is completely rewritten. Section 5 is changed in certain minor respects.

Sec.
1. What this order does.
2. Definitions.
3. Initial inventory report.
4. Limitations on acceptance of motor vehicles and car-units.
5. Allocation directives.
6. Request for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82nd Cong.; 50 U. S. C. App. Sup. 2154 Interpret or apply secs. 101, 102, 64 Stat. 799, Pub. Law 96, 82nd Cong.; 50 U. S. C. App. Sup. 2071; secs. 101, 102, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order requires an inventory report from automobile wreckers by December 20, 1951, covering the number of motor vehicle and car-units and the poundage of loose scrap. The order limits automobile wreckers in their acceptance of delivery of motor vehicles or car-units. It also requires automobile wreckers to comply with NPA allocation directives at any time.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States Government or of any other government.

(b) "Automobile wrecker" means a person who is in the business of acquiring motor vehicles for the purpose of salvaging serviceable used parts or reclaiming the residue as scrap, and selling such parts or scrap.

(c) "Scrap" means all recoverable ferrous and nonferrous metals, either alloyed or unalloyed, which are not salvageable parts.

(d) "Loose scrap" means nonsalvageable sections and parts which have been removed from, or have been produced by dismantling, a motor vehicle. This includes secondary ferrous and nonferrous metal in a form that requires preparation for consumption by scrap consumers.

(e) "Scrap consumer" means an ingot maker, smelter, refiner, foundry, or steel mill.

(f) "Scrap dealer" means any person who is regularly engaged in the business of buying, segregating, and preparing scrap for resale or scrap consumers or other scrap dealers.

(g) "Motor vehicle" means any passenger car or portion thereof; or any motor truck or portion thereof up to and including 1½ tons capacity or 16,000 pounds gross vehicle weight; or any passenger carrier, powered with an internal combustion engine, up to and including 1½ tons capacity or 16,000 pounds gross vehicle weight, or having a passenger capacity of 32 passengers or more; or any full trailer, semitrailer, or third axle attachment.

(h) "Car-unit" means any motor vehicle, regardless of model date, which has been stripped of salvageable parts.

(i) "NPA" means the National Production Authority.

SEC. 3. *Initial inventory report.* (a) On or before December 20, 1951, each automobile wrecker shall file an initial letter inventory report with NPA directed to the nearest Department of Commerce-NPA field office having jurisdiction, Ref: M-92, stating, separately, the number of motor vehicles and car-units and the poundage of loose scrap, as defined in section 2 of this order, which he had in inventory on December 1, 1951. This report shall also separately state the number of such motor vehicles manufactured prior to 1946 which were in his inventory on said date.

(b) Any person who, after March 26, 1952, enters into business as an automobile wrecker shall, on or before the fifteenth day of the first calendar month immediately following the month of his entry into such business, file an initial letter inventory report directed to the nearest Department of Commerce-NPA field office having jurisdiction, Ref: M-92, stating, separately, the number of motor vehicles and/or car-units which he had in inventory as of the first day of the first calendar month immediately following the month of his entry into such business. This report shall also separately state the number of such motor vehicles of the year 1939 and prior years' models as were in his inventory at that time.

SEC. 4. *Limitations on acceptance of motor vehicles and car-units.* (a) Subject to the provisions of paragraph (b) of this section, during the calendar quarter commencing on the first day of April 1952, and during each calendar quarter thereafter, no automobile wrecker shall accept delivery of a greater number of motor vehicles and/or car-units than the total number of motor vehicles and/or car-units which he delivered to scrap dealers or scrap consumers in the immediately preceding calendar quarter.

(b) Any automobile wrecker who has delivered to scrap dealers or scrap consumers during any calendar quarter a number of motor vehicles and/or car-units equal to or in excess of the total number of all motor vehicles of the year 1939 and prior years' models, which were in his inventory on the first day of such calendar quarter, shall not be limited by the provisions of paragraph (a) of this section in his acceptance of deliveries of motor vehicles and/or car-units during the succeeding calendar quarter.

(c) For the purposes of this section the period from December 1, 1951, through March 31, 1952, shall be considered the initial calendar quarter.

SEC. 5. *Allocation directives.* NPA may from time to time issue directives allocating motor vehicles, car-units, or loose scrap, which are in the inventory of any automobile wrecker, and may specifically direct the manner and quantities in which disposals, conversions, or deliveries to particular scrap dealers or scrap consumers shall be made. Such directives shall be complied with by the recipients thereof.

SEC. 6. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. Requests for adjustments or exceptions shall be addressed to the National Production Authority, Washington 25, D. C., Ref. M-92.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: NPA Order M-92.

SEC. 9. *Violations.* Any person who willfully violates any provision of this

order, or any other order or regulation of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-3583; Filed, Mar. 26, 1952; 11:04 a. m.]

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[NPA Order M-2 as Amended March 26, 1952]

## M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950, as amended, and the Rubber Act of 1948. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-2 as last amended February 26, 1952, is amended to read as follows:

EXPLANATORY PROVISIONS



AUTHORITY: Sections 1 to 21 issued under sec. 10, 62. Stat. 105, as amended, sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 1929, 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823; 3 CFR, 1948 Supp.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of certain types of rubber for the needs of national defense. It continues the prohibition upon the private importation of dry natural rubber only until July 1, 1952. The prohibition upon the private importation of natural rubber latex will be continued until the Administrator of General Services has disposed of all Government-owned natural rubber latex stocks. The order provides for the allocation of butyl, directs production of rubber products into standard lines, and restricts the use of natural rubber in certain listed products.

SEC. 2. *Applicability of other regulations and orders.* Nothing contained in this order shall be construed to relieve any person from complying with such limitations as may be contained in any other applicable NPA regulation or order, or any order or regulation of any other competent authority. Moreover, nothing contained in this order as amended shall be construed as relieving any person of any obligation or liability incurred under this order as originally issued or as amended from time to time.

SEC. 3. *Definitions.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed, or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine para, which are of equivalent quality regardless of name or origin; but excluding all other South American, Central American, or West African grades of wild rubber, and all rubber from guayule, balata, or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex, but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadiene or butadiene-styrene type produced in the United States, generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Cold rubber" means GR-S polymers produced at low temperatures as classified by the Reconstruction Finance Corporation.

(g) "Butyl" or "GR-I" means special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "New RHC" means total new rubber hydrocarbon. This is the total content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(j) "Consume" means (in the case of dry natural rubber, natural rubber latex, or synthetic rubber) to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition thereof.

(k) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(l) "Base year" means the year ending June 30, 1950.

(m) "NPA" means the National Production Authority.

IMPORTATION AND PURCHASE OF NATURAL RUBBER

SEC. 4. *Private importation of natural rubber prohibited.* (a) No person, other than the Administrator of General Services, shall import into the United States, including its territories and possessions, any natural rubber as defined in section 3 (a) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by the Administrator of General Services. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, its territories or possessions, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody, or otherwise, except where the rubber moves through the United States, its territories or possessions, in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition with respect to the private importation of natural rubber contained in paragraph (a) of this sec-

tion shall continue in effect, insofar as dry natural rubber is concerned, only until July 1, 1952. Therefore, nothing contained in paragraph (a) of this section shall be deemed to prohibit any person from importing dry natural rubber into the United States, including its territories and possessions, after June 30, 1952.

(c) The prohibition with respect to the private importation of natural rubber contained in paragraph (a) of this section shall continue in effect, insofar as natural rubber latex is concerned, only until such time as the Administrator of General Services has certified to NPA that he has disposed of all Government-owned natural rubber latex stocks, at which time this order will further be amended.

(d) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 3 (a) of this order.

SEC. 5. *Limitations on purchase and inventory of dry natural rubber.* No person shall purchase any dry natural rubber if his total inventory of that material exceeds, or by the delivery of the quantity so purchased would be made to exceed, the smallest quantity of dry natural rubber he requires to meet his deliveries during the next succeeding 60 calendar days on the basis of his currently scheduled method and rate of operation, and in accordance with Appendix A of this order. If his inventory of any particular grade is less than his requirements for such grade for a 60-calendar-day period, however, he may purchase the balance of his requirements for that grade for that period.

PURCHASE AND ALLOCATION OF SYNTHETIC RUBBER

SEC. 6. *Limitation on acquisition of butyl.* No person shall acquire more butyl (GR–I) than is allocated to him by NPA. No person shall sell or transfer any butyl acquired from the Government to any person other than the Reconstruction Finance Corporation: *Provided, however,* That this prohibition shall not apply to any transfer of Government-produced butyl which is part of a bona fide subcontracting arrangement by which the transferee is required to return the equivalent amount of butyl to the transferor, or where there is no transfer of the right ultimately to dispose of or sell the rubber or rubber products made therefrom.

SEC. 7. *Limitation on purchase of GR–S.* (a) No person may purchase any Government-produced GR–S except for his own consumption or for export pursuant to a license issued by the Office of International Trade of the Department of Commerce. Nothing contained in this paragraph shall be deemed to prohibit any person who has acquired Government-produced synthetic rubber from the Reconstruction Finance Corporation from selling it to any other domestic rubber manufacturer who requires such rubber for his own consumption, nor shall the prohibition of this paragraph apply to the purchase of any GR–S which has been classified by the Reconstruction Finance Corporation as "off-specification" rubber, plant-clean-up, or residue.

(b) No person may purchase for delivery in any calendar quarter a quantity of dry cold rubber in excess of 50 percent of all of the dry GR–S he purchases from the Reconstruction Finance Corporation for delivery during such calendar quarter.

SEC. 8. *Limitations on inventory of GR–S and butyl.* (a) No person shall purchase any butyl if his inventory of that material exceeds, or by the delivery of the quantity so purchased would be made to exceed, the smallest quantity of the material he requires to meet his deliveries during the next succeeding 30 calendar days on the basis of his currently scheduled method and rate of operation.

(b) Each person who purchases any butyl shall furnish the Reconstruction Finance Corporation with a certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crime) section 1001, that after receipt of the rubber called for by this order, my inventory will not exceed the limitations of NPA Order M–2.

(c) Inventories of GR–S are subject to the provisions of NPA Reg. 1.

SEC. 9. *Butyl allocation procedure.* NPA will allocate quarterly, to each consumer of butyl, the amounts of Government-produced butyl that he may purchase during a specified calendar quarter. These allocations will be made in accordance with section 10 of this order, and will be specifically designated as "transportation butyl" or "nontransportation butyl." NPA will notify the Reconstruction Finance Corporation of each person's allocation. The Reconstruction Finance Corporation will not issue purchase permits in any calendar month to anyone for more than one-third of his quarterly allocation of butyl. Persons desiring to purchase butyl will submit purchase requests to the Reconstruction Finance Corporation in accordance with its established procedure.

SEC. 10. *Basis of butyl allocations for nondefense purposes.* Butyl for nondefense purposes will be allocated by NPA for each calendar quarter on the following basis:

(a) *Butyl for transportation products.* Subject to the provisions of paragraph (c) of this section, each manufacturer of transportation products will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for those orders described in section 12 (a) of this order for such other programs as may be approved by NPA, and for adjustments under section 19 of this order), based on the proportion which his total new rubber consumption for transportation products (Codes 1 through 8 of Appendix A) in which butyl is capable of use (excluding flaps and repair materials) during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for such products during that period as determined by NPA.

(b) *Butyl for other uses.* Subject to the provisions of paragraph (c) of this section, each consumer of butyl for purposes other than the manufacture of transportation products will be allocated, for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by NPA.

(c) *Imports to be considered.* In making the allocations described in paragraphs (a) and (b) of this section, NPA will ascertain the quantities of imported butyl acquired by each consumer, and will reduce by the amounts of such imported butyl the allocations which would otherwise be made.

SEC. 11. *Limitation on the use of butyl.* (a) No person shall use any quantity of the butyl which has been allocated to him as "transportation butyl" in the manufacture of any product other than those listed in Codes 1 through 8 of Appendix A of this order.

(b) No person shall use any quantity of the butyl which has been allocated to him as "nontransportation butyl" in the manufacture of any product other than those listed in Codes 9 through 24 of Appendix A of this order.

SEC. 12. *Butyl to fill certain rated orders.* (a) In addition to the allocations of butyl made in accordance with section 10 of this order, such quantities of butyl as are used to fill an order bearing any of the ratings listed in Appendix B of this order, or to fill any order required by one of the programs listed in Appendix B, whether or not it bears such a rating, will be allocated upon application in writing to NPA. Such applications shall constitute a representation to NPA that the quantities of butyl applied for have been or will be used only to fill the orders specified.

(b) Any person filing an application for an allocation of 500 pounds or more of butyl to fill one of the orders described in paragraph (a) of this section must show (1) the rating or symbol applied to the order, (2) the Government contract or purchase order numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as they concern the butyl content, (5) the name and address of the customer, and (6) the quantity of butyl required by the contract specifications, by month, to fill the order.

(c) Any person filing an application for an allocation of butyl to fill any of the orders described in paragraph (a) of this section, where each of such orders requires less than 500 pounds of butyl, must set forth (1) the number of orders with each rating, allotment, or contract number, (2) the quantity of butyl required by the contract specifications to fill each group of such orders, and (3) a statement signed by an authorized officer or member of the company to the effect that he has received rated orders or contracts which are on file and which require the amount of butyl applied for.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 13. *Rubber product simplification and manufacturing specifications*—(a) *Manufacture except in accordance with Appendix A prohibited.* No person shall manufacture any rubber product except

in accordance with the specifications and other terms and conditions prescribed in Appendix A of this order. More specifically:

(1) No person shall consume any dry natural rubber in the manufacture of any product not listed in column (2) of Appendix A,

(2) No person shall consume in the manufacture of any listed product more natural rubber (dry or latex) than prescribed in column (3) (as qualified by column (4)) of Appendix A, and

(3) No person shall consume any new RHC in the manufacture of any listed product in more or different lines, types, qualities, styles, or colors than those prescribed in column (4) of Appendix A.

(b) *Exceptions to limitations of Appendix A*—(1) *Defense orders.* Notwithstanding the provisions of Appendix A, any product manufactured to fill an order described in section 12 (a) of this order may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and nondefense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of Appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in Appendix A of this order.

SEC. 14. *Limitation on high-tenacity rayon for rubber products.* (a) Commencing with the first calendar quarter of 1952, no person shall, in any calendar quarter, use a greater quantity by weight of high-tenacity rayon in the manufacture of rubber products (including those products required to fill any contracts of the Department of Defense or any division thereof or of the Atomic Energy Commission) than 120 percent of his use of high-tenacity rayon in such manufacture during the 3 months ending June 30, 1951.

(b) No person shall, in any calendar quarter, use any high-tenacity rayon in the manufacture of any rubber products required by persons other than the Department of Defense or any division thereof or the Atomic Energy Commission, unless he has first set aside from the total quantity of high-tenacity rayon he is permitted to use under paragraph (a) of this section, a quantity of high-tenacity rayon sufficient to comply with the manufacturing specifications for all of the rubber products he intends to manufacture in that calendar quarter for delivery to the Department of Defense or any division thereof or to the Atomic Energy Commission.

(c) No person shall order for delivery in any calendar quarter more high-tenacity rayon than the quantity he is permitted to use during such quarter pursuant to paragraph (a) of this section.

(d) "High-tenacity rayon" as used in this section includes singles, yarn, plies, cord, and cord fabric.

GENERAL PROVISIONS

SEC. 15. *Reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed in this section shall file a monthly report on Form NPAF-3 with NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments. Those persons who consume rubber for the production of both transportation and nontransportation products shall also file a monthly report on Form NPAF-3A, showing, separately, consumption by type of rubber for each of the two product groups. Also, any person who did not file a Form NPAF-3 for any type of rubber listed in this section for each month of the calendar year 1951, shall file an annual report on Form NPAF-4. Any person who consumes rubber as part of a scientific laboratory experimental program only, shall file his report annually on Form NPAF-4. Each person who is hereby required to file Form NPAF-4 shall do so by January 20, 1952.

TYPES TO BE REPORTED

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR-S types, excluding latex.[1]
GR-S type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene, latex.
Butadiene-acrylonitrile types (N-type) excluding latex.
Butadiene-acrylonitrile types (N-Type) latex.
Scrap rubber, uncured.

SEC. 16. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF-5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF-6 in accordance with the instructions accompanying the form.

SEC. 17. *Reports by latex importers.* Every importer of natural rubber latex shall report by letter to NPA by the fifteenth of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 18. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 19. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 20. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-2.

SEC. 21. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[1] Includes all types whether obtained from Government or other sources, including imports.

## APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 13 OF NPA ORDER M-2

### EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in column 2.

Column 3: The figures and symbols in column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23, and 24, the figures in column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in column 4.

The symbol "X" in column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required to produce a serviceable product, as further limited by column 4.

Column 4: The provisions in column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by column 3. These qualifications take precedence over column 3 where there is any apparent inconsistency. Column 4 also contains the simplication and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles, and colors in which the listed products may be manufactured with the use of any kind of new rubber. There are no such limitations on the manufacture of listed products except as indicated in column 4.

| Code No. (1) | Product (2) | Percent natural rubber to total new RHC (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 1 | Pneumatic tires | (1) | The group average of any product in code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for code 1. The use of all types of pale crepe natural rubber is prohibited in tires. |
| | Airplane tires | 98 | Maximum individual tire—100 percent. |
| | Bicycle tires | 17 | Maximum individual tire—95 percent. |
| | Motorcycle tires | 17 | Maximum individual tire—95 percent. |
| | Passenger: Highway, mud-snow, taxi: | | |
| | Through 7.10 and 6.50 | 17 | Maximum individual tire—95 percent. |
| | Over 7.10 and 6.50 | 25 | Maximum individual tire—95 percent. |
| | Industrial pneumatic | 17 | Maximum individual tire—95 percent. |
| | Tractor implement | 15 | Maximum individual tire—95 percent. |
| | Truck: Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type: | | |
| | 7.50 and under | 35 | Maximum individual tire—95 percent. |
| | 8.25 through 9.00 | 70 | Maximum individual tire—99 percent. |
| | 10.00 through 12.00 | 88 | Maximum individual tire—99 percent. |
| | Over 12.00 | 92 | Maximum individual tire—99 percent. |
| 2 | Solid tires: | | |
| | Airplane tires | X | |
| | Bogie, idler, and support rollers | 5 | |
| | Pressed on | 50 | Group average. |
| | Cured on, 3 x 1⅝ and up | 50 | Group average. |
| 3 | Tire tubes | | Every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16 inch minimum width. No other tube shall be so marked. |
| | Airplane | 100 | |
| | Bicycle | 5 | Including valves. |
| | Industrial pneumatic | 25 | If butyl rubber is not available natural rubber is permitted. |
| | Passenger | 0 | If butyl rubber is not available natural rubber is permitted. |
| | Puncture seal | X | |
| | Safety tubes | X | |
| | Tractor implement | 0 | If butyl rubber is not available natural rubber is permitted. |
| | Truck, 8.25 cross-section and under | 0 | If butyl rubber is not available natural rubber is permitted. |
| | Above 8.25 and up to 14.00 | 5 | If butyl rubber is not available natural rubber is permitted. |
| | 14.00 cross-section and over | 80 | If butyl rubber is not available natural rubber is permitted. |
| | Tire tube valves and curing bags: | | |
| | Tire tube valves (including repair valves) | X | |
| | Tire tube valve inside washers | X | |
| | Curing bags | 50 | May be averaged with groups in code 1. |
| 4 | Tire flaps | | May be averaged with groups in codes 1 and 5. |
| | 10.00 and up | 50 | |
| | All others | 0 | |
| 6 | Tire retreading materials: | | |
| | Air bags, full circle for retreading | X | |
| | Camelback for airplane tires | 100 | |
| | Camelback for 9.00 cross-sections and larger, in die sizes 6¾-inch crown width and 15/32-inch gage and up. | X | |
| | Camelback, die sizes under 6¾-inch crown width and under 15/32-inch gage. | 0 | |
| | Camelback cushion gum | 100 | 1/32-inch gage maximum for synthetic camelback. |
| | Padding stock | X | |
| | Stripping stock | X | |
| | Filler stock | X | |
| | Cushion repair gum | 100 | |
| | Tread repair gum | X | |
| | Tire vulcanizing cement | X | |
| 7 | Tire and tube repair materials: | | |
| | Air bags, sectional | X | |
| | Bulk tire repair materials | X | |
| | Tire patches | X | |
| | Tube patches | X | |
| | Patching cement | X | |
| 8 | Tank blocks, treads, and band tracks | 20 | |

(1) Maximum group average.

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 9 | Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt. | | Color optional. Restrictions on line, type, quality, and style do not apply. |
| 9-A | Conveyor and elevator belting | X | |
| 9-B | Miscellaneous belt and related products, as follows | X | |
| | Hay baler belts. | | |
| | Other agricultural implement belts. | | |
| | Belt splicing and repair material. | | |
| | Chute lining. | | |
| | Conveyor skirting or skirt board. | | |
| | Cigar machine aprons. | | |
| | Concentrator belts. | | |
| | Escalator hand rails. | | |
| | Feed belts for paper box machinery. | | |
| | Hatter belts. | | |
| | Hog beater belts. | | |
| | Last puller belts. | | |
| | Paper machine aprons. | | |
| | Paper making screen diaphragms. | | |
| | Postal meter and letter opening feed belts. | | |
| | Powder explosives belts. | | |
| | Pulley lagging. | | |
| | Rubber scrapers for conveyor belts. | | |
| | Safety belts, linemen's. | | |
| | Sling or lifting belts. | | |
| | Special molded conveyor belts. | | |
| | Street sweeper belts. | | |
| | Tube winding belts. | | |
| | Tobacco stemmer belts. | | |
| | Molded discs for conveyor belt idlers. | | |
| | Ozalid seals. | | |
| 9-C | Flat transmission belting | | Maximum pounds of natural rubber per 1,200 square inches per ply. |
| | For severe service, or high speed or to operate over small pulleys | | 0.95 pound. |
| | For moderate service | | 0.40 pound. |
| | Hammermill belt | | 0.95 pound. |
| | Axle generator belt | | 0.95 pound. |
| | Rubber covers for above, maximum thickness 1/64 inch | 40 | |
| | Sheeting type, slab belting: | | |
| | Using fabric weighing between 10 and 16.50 ounces per square yard | | 0.95 pound. |
| | Using fabric weighing less than 10 ounces per square yard | | 0.40 pound. |
| 9-D | V belts | | Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases |
| | Fractional horsepower | 25 | |
| | Household equipment | 25 | |
| | Automotive: | | |
| | Passenger cars for pulley groove top width more than 0.500 inch | 25 | |
| | Trucks under 1½ tons for pulley groove top width more than 0.500 inch. | 25 | |
| | Passenger and truck or pulley groove top width 0.500 inch or less | 40 | |
| | Trucks 1½ tons and over | 40 | |
| | Busses | 40 | |
| | Police cars and taxis | 40 | |
| | Airplane | 40 | |
| | Stationary gas and diesel engines | 40 | |
| | Industrial, including agricultural: | | |
| | Heavy duty | 40 | |
| | Standard | 40 | |
| | Speed changers | 40 | |
| | Double V | 50 | |
| | Open end | 25 | |
| | Round belts | 40 | |
| | Railroad axle drive | 55 | |
| 10 | Hose | | All hose color optional. Restrictions on line, type, quality, and style do not apply. |
| 10-A | Aircraft hose: | | |
| | Crash truck AAF 26611 (−65° F.) | X | |
| | Ducts | X | |
| | Oxygen hose | X | |
| | Airbrake (20-147) (a) | 15 | |
| | (b) | X | |
| | Aircraft hose not elsewhere listed | 10 | |
| 10-B | Automotive hose: | | |
| | Air brake | 15 | |
| | Air cleaner | 15 | |
| | Hydraulic actuating boot | X | |
| | Car heater | 5 | |
| | Coolant (radiator): | | |
| | Curved | 20 | |
| | All other radiator | 10 | |
| | Defroster | 15 | |
| | Hydraulic brake, S. A. E. R-41 | 40 | |
| | Windshield wiper | 15 | |
| | Vacuum brake | 15 | |
| | Automotive hose not elsewhere listed | 10 | |

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 10-C | General industrial hose: | | |
| | Acid | X | |
| | Air and air tool: Air drill for mining and quarrying and heavy duty industrial | 50 | |
| | Gas mask air hose | 40 | |
| | All other air hose not elsewhere listed | 20 | |
| | Alcohol, beverage, brewers, wine, vinegar, food, and milk conveying | 60 | |
| | Ammonia | 75 | |
| | Arbor pipe forming | 35 | |
| | Booster and chemical engine | 40 | |
| | Braided-cover tubing | 5 | |
| | Cable covering, electric | 30 | |
| | Cloth-inserted tubing | 15 | |
| | Coupling, flexible | 10 | |
| | Creamery | 40 | |
| | Divers: | | |
| | Floating | X | |
| | Sinking | 60 | |
| | Dredging sleeves | 75 | |
| | Expansion joints | 75 | |
| | Fire: | | |
| | Cotton rubber-lined and rubber-covered | 35 | |
| | Wrapped duck | X | |
| | Fire engine suction: | | |
| | Hard | 35 | |
| | Soft | 35 | |
| | Fire extinguisher tubing | 25 | |
| | Flanged flexible pipe | X | |
| | Garden and lawn | 5 | |
| | Jetting | 25 | |
| | Marine exhaust | 50 | |
| | Material handling—including grain | 75 | |
| | Cement and concrete | 75 | |
| | Phosphate flexibles | 75 | |
| | Rock dusting | 75 | |
| | Insulation blowing | 15 | |
| | Paint spray, fluid line | 10 | |
| | Paper mill hose | 60 | |
| | Petroleum products: | | |
| | Gasoline service station | 45 | |
| | Oil suction and discharge | 15 | |
| | Butane and propane | 30 | |
| | Tank wagon | 45 | |
| | All other not elsewhere listed | 0 | |
| | Pinch valve | X | |
| | Rotary drilling: | | |
| | Vibrator | 35 | |
| | Mud suction | 75 | |
| | Rotary drilling hose | 35 | |
| | Sand blast | X | |
| | Sand placing and sand suction | 75 | |
| | Shaft covering, flexible | 50 | |
| | Spray, horticultural and car washing | | For car washing service where pressure exceeds 250 p. s. i. |
| | Over 400 pounds working pressure | 50 | |
| | 400 pounds and under working pressure | 15 | |
| | Steam: | | |
| | Over 50 pounds working pressure | X | |
| | 50 pounds and under working pressure | 40 | |
| | Steam ironing | X | |
| | Suction, water: | | |
| | Hard rubber and rough bore | 15 | |
| | Smooth bore | 35 | |
| | Vacuum: | | |
| | Household, including hotels, office buildings, etc. | 35 | |
| | Industrial dust collector and blower exhaust | X | |
| | Nontextile reinforced | 60 | |
| | Washing machine | 5 | |
| | Water: | | |
| | Radiator filling | 5 | |
| | Industrial: | | |
| | Severe service | 60 | |
| | Moderate service | 25 | |
| | Welding | 25 | |
| | Hose not elsewhere listed | 10 | |
| 10-D | Railroad hose: | | |
| | Air brake and signal, M-601 | 25 | |
| | Air, pneumatic tool, M-608 | 25 | |
| | Paint spray, M-610 | 10 | |
| | Pantograph | 50 | |
| | Sand, M-615 and M-616 | X | |
| | Sand pipe nozzles | X | |
| | Steam, hot water, and car heat, M-605 | X | |
| | Tender tank, M-606 | 35 | |
| | Water, cold, M-604 | 25 | |
| | Welding, M-603 | 25 | |
| | Railroad hose not elsewhere listed | 10 | |
| 11 | Packing and gaskets | | Color optional. Restrictions on type, quality, and style do not apply. |
| 11-A | Packings without fabric or high percent of fiber, including sheet and also strip, discs, gaskets, rings, cups, U packings, V rings, O rings, non-fabric diaphragms, etc., made by extruding, cutting, or molding: | | |
| | 5 durometer and under | X | |
| | Above 50 durometer | 15 | |
| | Gaskets and discs containing 20 to 30 percent by volume asbestos fiber | 60 | |
| | Pipe coupling gaskets: | | |
| | 55 durometer and below | 75 | |
| | Above 55 durometer | 50 | |
| | Lead-loaded over 3.5 specific gravity | X | |
| | Molded and extruded gaskets spliced endless after initial vulcanization | 25 | |
| | Electrical transformer sheet rubber for packing seals | X | |
| | Filter press gaskets | X | |
| | O rings for sliding contact against steam and chemicals | X | |
| | Acid carboy gaskets | X | |
| | Air brake gaskets | X | |
| | Vacuum retort gaskets | X | |
| | Vulcanizer door gaskets | X | |
| | All others not elsewhere listed | 10 | |

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 11-B | Packings with high fiber content: | | |
| | Sheet (generally known as "compressed asbestos sheet") and gaskets cut from same. | 5 | By weight. |
| | Molded gaskets, discs, rings, etc. | 5 | By weight. |
| | Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing"). | 5 | By weight. |
| 11-C | Packing with fabric or wire insertion: | | |
| | Sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same: | | |
| | Cotton insert | 10 | |
| | Wire insert | 15 | |
| | Asbestos insert | 25 | |
| | Rolled or molded gaskets: | | |
| | Cotton insert | 25 | |
| | Asbestos insert | 25 | |
| | Diaphragm sheet including diaphragms cut from same or molded: | | |
| | Supersensitive gas regulation | X | |
| | Molded other than above | X | |
| | Cut other than above | X | |
| | Rectangular and square piston packing | X | |
| | Rod packing including molded cups, U packings, and V rings: | | |
| | Cotton insert | 25 | |
| | Asbestos insert | 25 | |
| 11-D | Valve and valve discs: | | |
| | 45 durometer and under | X | |
| | Over 45 durometer | 25 | |
| | Loaded ball valves | X | |
| | Fabric hydrant valves | 25 | |
| | All other valves and valve parts | 10 | |
| 11-E | Sealing compounds for food containers: | | |
| | Beverage container gaskets, molded, extruded, or lathe-cut | 10 | |
| | Food container gaskets, extruded and lathe-cut | ---------- | 15 percent natural rubber by weight of compound permitted. |
| | Gasket-lined home canning lids | ---------- | 5 percent natural rubber by weight of compound permitted. |
| | Jar rings, cut rings | 25 | |
| | Moisture barrier coating for film or paper | 20 | |
| | Molded stoppers for food and beverage containers: | | |
| | Solid or nonexpanding type | 10 | |
| | Mechanical action expanding type | 60 | |
| | Food closure gasket | ---------- | 30 percent natural rubber by weight of compound permitted for food gasket formed and vulcanized in the closure. |
| | Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers). | X | Natural rubber latex permitted. |
| 12 | Other mechanicals | ---------- | All products in code 12, color optional, unless otherwise specified. Restrictions on fine, type, quality, and style do not apply. |
| 12-A | Aircraft equipment: | | |
| | Boots, de-icer and integral parts including hose | X | |
| | Bumpers | X | |
| | Cords, alighting gear | X | |
| | Conductive rubber parts | X | |
| | Flexible couplings, functional | X | |
| | Engine instrument mountings and vibration insulators | X | |
| | Oxygen masks, pilot | X | |
| | All parts 45 durometer or less | X | |
| | All other parts not elsewhere listed | 10 | |
| 12-B | Automotive equipment: | | |
| | Windshield wiper blades | X | |
| | Bumpers, retaining and check (molded) | 35 | |
| | Bumpers, functional: | | |
| | Suspension | 75 | |
| | Crash | 40 | |
| | Bushings: | | |
| | Suspension | X | |
| | Torque rod | X | |
| | Couplings, flexible | X | |
| | Weatherstrips and body seals, extruded, under 50 durometer | 40 | |
| | Weatherstrips, injection compound for splicing and forming | X | |
| | Molded ventilator strips | 40 | |
| | Glass runs | 10 | |
| | Crankshaft torsion dampers | X | |
| | Transmission and engine mountings: | | |
| | 50 durometer and over | 70 | |
| | Under 50 durometer | X | |
| | Body and chassis mountings: | | |
| | 50 durometer and over | 30 | |
| | Under 50 durometer | X | |
| | Tail pipe insulators, under 50 durometer | X | |
| | Torsion springs | X | |
| | Grommets, core molded retaining, for dashboard insulation | 40 | |
| | Fuel tanks, filler neck seal | 35 | |
| | Mats: | | |
| | Contour | 20 | |
| | Sill with retaining buttons | 25 | |
| | All other automotive mats | 10 | |
| | Cowl and dash liners | 10 | |
| | Seal beam headlights | X | |
| | Steering wheels | 10 | |
| | Pads, no insertion with retaining buttons | 25 | |
| | Fender flaps or splash guards | 10 | |
| | Silencers, coil spring | 30 | |
| | Rear spring seat insulators | X | |
| | Tubings: | | |
| | Drain | 10 | |
| | Windshield wiper, non-reinforced | 10 | |
| | Spring tying suspension seat cord | X | |
| | Hydraulic, air brake and vacuum brake cups, diaphragms, valves, and seals | X | |
| | Seals: | | |
| | Valve stem, tire | X | |
| | Valve stem, motor | X | |
| | All other parts not elsewhere listed | 10 | |
| 12-C | Railroad and streetcar equipment: | | |
| | Car spring snubbers | X | |
| | Refrigerator friction drive wheel | 75 | |
| | Refrigerator car door seal | 25 | |
| | Molded seal for double-glazed windows | X | |
| | Bumpers | ---------- | Same as automotive. |
| | Streetcar wheel | X | |
| | Windshield wiper blades | X | |
| | Door shoes | 15 | |

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 12-C | Railroad and streetcar equipment—Continued | | |
| | Draft gears | X | |
| | Vibrational insulators, functional | X | |
| | All other parts not elsewhere listed | 10 | |
| 12-D | Farm equipment: | | |
| | Flax rolls, 50 durometer or under | X | |
| | Corn husking rolls | 40 | |
| | Feed conveyors | 40 | |
| | Corn snapper rolls | 40 | |
| | Draper apron rolls | 10 | |
| | Cotton rubber rolls | 40 | |
| | Hay baler rolls | 40 | |
| | Rubber covered canvas | 20 | |
| | Cotton picker doffers | X | |
| | Press wheel tires | X | |
| | Gauge wheel tires | X | |
| | Shoe pitman arm torque bushings and torsion bushings | X | |
| | Bearing cushion cups, non-oil-resisting | X | |
| | Cotton drier flaps | X | |
| | Pneumatic seats | 10 | |
| | Steering wheels | 10 | |
| | Rubber-covered beater bars | X | |
| | All other parts not elsewhere listed | 10 | |
| 12-E | Electrical products and industrial equipment: | | |
| | Core-molded electric plugs and outlets | 50 | |
| | Telephone and telegraph insulators | 25 | |
| | Lineman protective devices | X | |
| | Friction tape | | 15 pounds of natural rubber for 100 square yards. |
| | Splicing compounds | X | |
| | Underground cable connectors | X | |
| | Flexible connections for vacuum and exhaust equipment | X | |
| | Mandrels for surgical tubing | 75 | |
| | Molds | X | |
| | Sand and shot blast equipment | X | |
| | Press die pads, draw sheets, and embossing beds | X | |
| | Bulging rubbers | X | |
| 12-F | Household and appliance products: | | |
| | Refrigerator and freezer parts: | | |
| | Gaskets, door | X | |
| | Gaskets, liner opening | X | |
| | Collars, throat | X | |
| | Glass and panel seals | 40 | |
| | Tubing, drain, molded | 40 | |
| | Terminal seal bushings for compressors | X | |
| | Rollers, tray | 30 | |
| | Freezer lid assembly | 40 | |
| | All other parts not elsewhere listed | 10 | |
| | Vacuum cleaner and sweeper parts: | | |
| | Extensible drive belts | X | |
| | Bag seals | 40 | |
| | Flexing bellows and diaphragms | X | |
| | Brush guards, collars, and holders | 40 | |
| | Sweeper tires and wheels | 20 | |
| | Electrical conducting parts | X | |
| | Grips | 10 | |
| | Functional bumper guards with undercuts and retaining buttons | 25 | |
| | All other parts not elsewhere listed | 10 | |
| | Clothes-washing, dish-washing, drying, and ironing machine parts: | | |
| | Wringer rolls | 10 | |
| | Agitators | 45 | |
| | Tub and lid gaskets | 40 | |
| | Extensible belts, drive | X | |
| | Drive pulleys | X | |
| | Collapsible tubs | X | |
| | Flexing boots and diaphragms | X | |
| | Extruded drain hose or tubing | 15 | |
| | Formed pressure tubing | 30 | |
| | Couplings and nozzles | 15 | |
| | Unconfined lip door gaskets | X | |
| | Water seals | 30 | |
| | Flexible pump rotors | X | |
| | Pump valves, flexing | X | |
| | All other parts not elsewhere listed | 10 | |
| | Miscellaneous housewares accessories: | | |
| | Strain relief grommets for electric irons and similar appliances | X | |
| | Light-colored molded parts | 10 | |
| | Chair tips | 10 | |
| | Strainers, sink and drain | 10 | |
| | Pans, dust | 10 | |
| | Water aerator | 80 | |
| | Sewing machine drive pulley and belts | X | |
| | All other parts not elsewhere listed | 10 | |
| | Plumbing specialties: | | |
| | Ball cock washers | X | |
| | Force cups | 25 | |
| | Gaskets and valves designed for back flow preventors | X | |
| | Tank balls designed for flush valves core molded: | | |
| | With base opening ¾-inch and less | 75 | |
| | With base opening over ¾-inch | 75 | |
| | Floor flange gaskets | X | |
| | All other plumbing specialties | 10 | |
| 12-G | Milk and food handling equipment: | | |
| | Milk and milking equipment: | | |
| | Bottle filler rubbers | 25 | |
| | Bowl rings and valves | X | |
| | Parlor milking gaskets | X | |
| | Gaskets, washers, and couplings: | | |
| | 45 durometer or under | X | |
| | Over 45 durometer | 25 | |
| | Milking inflations and cup caps | X | |
| | Teats for calf feeder pails | X | |
| | Tubing including duplex, milk, vacuum, air, and stanchion: | | |
| | 45 durometer or under | X | |
| | Over 45 durometer | 50 | |
| | Straps, surcingle | 40 | |
| | Milk, pasteurizer plate gaskets | X | |

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 12-G | Milk and food handling equipment—Continued | | |
| | Food and beverage processing and dispensing equipment: | | |
| | Chicken pickers | X | |
| | Cherry and peach pitters | X | |
| | Corn husking roll (canning), under 45 durometer | X | |
| | Can testers | X | |
| | Gaskets for bulk handling food equipment | X | |
| | Molded fittings and tubing for beverage handling | X | |
| | Stop for ice cream cone dispenser | X | |
| | Rice-polishing blocks | X | |
| | Rubber-covered metal baskets | 0 | Natural rubber latex permitted. |
| | All other parts not elsewhere listed | 10 | |
| 12-H | Mining equipment: | | |
| | Air chambers for conset jigs | X | |
| | Flotation parts, including liners for cells, impellers, and shafts | X | |
| | Stator and rotor tubes | X | |
| | Ore car liners | X | |
| | All other parts not elsewhere listed | 10 | |
| 12-I | Oil field specialties, as follows | X | |
| | Drill pipe protectors. | | |
| | Packers, production and test. | | |
| | Packers, open hole. | | |
| | Packers, cement retaining. | | |
| | Packers, casing. | | |
| | Blowout preventers. | | |
| | Gland packings. | | |
| | Slush pumps: pistons and liners for fluid-packed pumps. | | |
| | Stabilizers and wire line guides. | | |
| | Stuffing-box rings, polished rod. | | |
| | Slip pads. | | |
| | Strippers, pressure pack off. | | |
| | Pipe and wire line wipers. | | |
| | Swab rubbers and lining bumpers. | | |
| | Testing and cementing equipment. | | |
| | Valves, cups, and discs. | | |
| | Valve inserts. | | |
| 12-J | Miscellaneous mechanical goods and textile industry equipment: | | |
| | Parts for manufacture of rayon: | | |
| | Parts that come in contact with rayon filament | X | |
| | All other parts | 10 | |
| | Parts for Cellophane | 10 | |
| | Textile equipment: | | |
| | Pickers, all types | X | |
| | Lug straps | X | |
| | T-straps | 10 | |
| | Card clothing | X | |
| | Draw rolls, 30 durometer | X | |
| | Bolsters, fabric-shrinking | X | |
| | Take-up roll covering | X | |
| | Hold-ups, and sweep sticks | 12 | |
| | All other parts not elsewhere listed | 10 | |
| | Miscellaneous mechanical goods: | | |
| | Laboratory supplies: | | |
| | Tubing: | | |
| | 45 durometer and under | X | |
| | Over 45 durometer | 50 | |
| | All other parts not elsewhere listed | 10 | |
| | Industrial tubing: | | |
| | 45 durometer and under | X | |
| | Over 45 durometer | 50 | |
| | Traffic counter tubing | X | |
| | Soft rubber alkaline storage batteries and parts | X | |
| | Billiard and pool table cushions | X | |
| | Brake, clutch, and hydrant expander tubing | X | |
| | Brush setting compounds | X | |
| | Budding strips | X | |
| | Cast rubber products | 50 | Natural rubber latex only permitted. |
| | Caster and molded wheels: | | |
| | Under 4 inches diameter | 35 | By weight. |
| | 4 inches and over | 35 | By weight. |
| | Conductive caster wheels | X | |
| | Core-molded parts not elsewhere listed | 35 | |
| | Cutting rubbers not elsewhere listed | X | |
| | Dam and lock-gate seals | X | |
| | Expansion joint seals (masonry) | 60 | |
| | Fish net floats or bladders | X | |
| | Flexible bags and parts for forming operations in manufacturing plants. | X | |
| | Flexible couplings, torque | X | |
| | Flexible sanding and buffing pads | X | |
| | Gas main bags | X | |
| | Goggles and parts | 40 | |
| | Industrial balls: | | |
| | 45 durometer and under | X | |
| | Over 45 durometer | 25 | |
| | Industrial vacuum or suction cups | X | |
| | Insulation tubing | X | Cork or fiber loaded. |
| | Labels | X | |
| | Mine safety lamp parts | X | |
| | Molded annular tires: | | |
| | Light and medium duty | 10 | |
| | Heavy duty | 40 | |
| | Molded boots and dust seals | 70 | |
| | Rebound discs for well drilling | X | |
| | Molded parts attached to adjacent parts by integral undercut buttons, and grommets, not elsewhere listed. | 25 | |
| | Mountings, shock absorbers, dampers, and vibration insulators: | | |
| | Under 50 durometer | X | |
| | 50 durometer and over | 70 | |
| | Pressure-sensitive signal controls | 25 | |
| | Sandblast stencil sheet for monument work | 25 | |
| | Seals for electrolytic condensers | X | |
| | Tanners' bolsters | X | |
| | Tubular grips, including cork or fiber-loaded | 10 | |
| | Wiper blades, squeegee rubber and wiper dies | X | |
| | X-ray sheets | X | |
| | Belt idler channel | 10 | |
| | Parts for ladders | 10 | |

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 12-J | Miscellaneous mechanical goods and textile industry equipment—Con. | | |
| | Miscellaneous mechanical goods—Con. | | |
| | Mallets | 10 | |
| | Traffic cones and markers | 10 | |
| | All other parts not elsewhere listed | 10 | |
| | Tires for toy vehicles and lawn mowers | 10 | |
| | Parts for bicycles, toy vehicles, and lawn mowers: | | |
| | Handle grips | 10 | |
| | Fender flaps or splash guards | 10 | |
| | Pedal pads | 0 | |
| | Dodgem bumpers | X | |
| | All other parts not elsewhere listed | 10 | |
| 12-K | Printing rubber products: | | |
| | Printing rollers, all types | X | |
| | Printing rubbers, all types | X | |
| | Printing blankets for offset, newspaper, and lithograph | X | |
| | Rubber solution for wet plate negative | X | |
| | Paper pick-up suction cups | X | For printing press only. |
| | Paper feed rolls and pads for duplicating machines | X | |
| 12-L | Rolls and roll coverings, not elsewhere listed | X | |
| 12-M | Rubber protected or lined equipment: | | |
| | Tank cars, barges, and trucks | X | |
| | All other | X | |
| 12-N | Mats and matting: | | |
| | Switchboard, not less than ¼ inch thick for 3,000 volts and over | X | Black only. |
| | Roll matting and stair treads | 6 | |
| | Perforated mats, ⅜-inch thick and over | 25 | |
| | Link and molded door mats | 10 | |
| | Bath mats | 10 | |
| | All other mats not elsewhere listed | 5 | |
| 12-O | Safety respiratory equipment, including parts | X | |
| | Breathing apparatus | X | |
| | Safety masks | X | |
| | Respirators | X | |
| 12-P | Hard rubber products | | Restrictions on line, type, quality, and style do not apply. |
| | Ball gages and molded tie rods | 50 | |
| | Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays | 30 | |
| | Bleaching rods | X | |
| | Blown work | X | |
| | Combs | 50 | |
| | Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals | 65 | |
| | Knife handles | 65 | |
| | Dye sticks | X | |
| | Bowling balls | 30 | |
| | Industrial flashlight parts | 65 | |
| | Insulated tools | 20 | |
| | Jack strips | 30 | |
| | Microporous battery separators | X | |
| | Mouthpieces for musical instruments | X | |
| | Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals | 65 | |
| | Pipe and fittings | 30 | |
| | Pipe bits | 15 | |
| | Plating barrels and parts | 30 | |
| | Potentiometer cards | X | |
| | Refrigerator parts | X | |
| | Rod and tubing for fountain pen parts | X | |
| | Rods up to 0.040-inch diameter | X | |
| | Rods 0.040-inch to ½-inch diameter, inclusive | 35 | |
| | Rods over ½-inch diameter | 20 | |
| | Sheets 1/16-inch thick or less | X | |
| | Sheets over 1/16-inch to ¼-inch thick, inclusive | 50 | |
| | Sheets over ¼-inch thick | 45 | |
| | Tubing up to and including 1/32-inch wall | X | |
| | Tubing over 1/32-inch to ⅛-inch wall, inclusive | 50 | |
| | Tubing over ⅛-inch wall | 30 | |
| | Cafeteria trays | 50 | |
| | Hard rubber parts for alkaline storage batteries | 35 | |
| | Heavy duty battery cases over 15 pounds | 50 | |
| | Hand-wrapped battery cases | 50 | |
| | Submarine battery jars | 50 | |
| | Storage battery cases and covers where product of tensile and elongation is 10,000 or more | 60 | |
| | Ventilating parts for submarines, hand-wrapped | X | |
| | Ventilating parts for submarines, molded | 50 | |
| | Parts for submarines not elsewhere listed | 50 | |
| | Telephone commutator inserts | 50 | |
| | Tubular retainers | 60 | |
| | Parts for water meters | X | |
| | X-ray and photo tanks | 30 | |
| | Forming tanks | 40 | |
| | Connector stocks | 30 | |
| | Stuffed work | 50 | |
| | Parts not elsewhere listed | 0 | |
| 12-Q | Industrial abrasive implements | X | Restrictions on line, type, quality, style, and color do not apply. |
| 12-R | Brake linings, brake blocks, and clutch facings | X | Restrictions on line, type, quality, style, and color do not apply. |
| 13 | Wire and cable | | Restrictions on line, type, quality, style, and color do not apply. |
| 13-A | Insulation compounds: | | |
| | Insulation for power and for building wire rated at 2,000 volts (phase to phase) or less and which has insulation wall thickness of more than 25 mils | 0 | |
| | Insulation compounds for signal and control cables | 70 | |
| | Insulation compounds having thickness of 25 mils or less | X | |
| | For all types of insulated wire and cable in excess of 2,000 volts (phase to phase) | 70 | |
| 13-B | Sheaths and jackets: | | |
| | For operation at temperature of −40° C. or higher | 70 | |
| | For operation at temperatures lower than −40° C. | X | |
| 13-C | Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables | 70 | |

| Code No. (1) | Product (2) | Percent natural rubber to total new RHC (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 14 | Rubber footwear | 70 | Group average percent. No type rubber footwear shall contain more than 98 percent dry natural rubber. Line, type, quality, style, and color optional. |
| | Arctics, boots, rubbers, gaiters, pacs, and all types of canvas rubber-soled footwear of vulcanized construction. | | |
| | Latex rubber footwear | 0 | Natural rubber latex permitted. |
| 15 | Shoe products | | Line, type, quality, style, and color optional. |
| 15-A | Heels and soles: | | |
| | Heels | 25 | Group average. |
| | Soles and taps | 10 | |
| | Soling and top lifting | 10 | |
| | Crepe soles, heels, welting, and wrappers | 0 | The consumption, production, or sale of natural RHC, for crepe soles, heels, welting, and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed. |
| 15-B | Inner shoe cushions and pads: | | |
| | Rubber, molded or sheet | | Natural rubber content to be no greater than that in a comparable product produced during the base period. |
| | Sponge rubber, nitrogen-blown, molded or sheet | X | Gas chamber method only. |
| | Sponge rubber, chemically blown, molded or sheet | | 75 percent natural rubber to total RHC permitted. Maximum monthly average. |
| | Latex foam, uncored slab sheets | 80 | Natural rubber latex only permitted. |
| | Latex foam, molded | X | Natural rubber latex only permitted. |
| | Sponge rubber-cork granule sheets | | Natural rubber content to be no greater than that in a comparable product produced during the base period. |
| 15-C | Orthopedic appliances | X | For corrective devices required for deformed, injured, and crippled feet only. |
| 15-D | Impregnated non-woven fibrous shoe components: | | |
| | Insole materials | 0 | Natural rubber latex permitted. |
| | Welting and stripping | 0 | Natural rubber latex permitted. |
| | Midsole materials | 0 | Natural rubber latex permitted. |
| | Sock lining, heel pad, plumper, and backing materials | 0 | Natural rubber latex permitted. |
| | High strength stay and reinforcing materials | X | Natural rubber content to be no greater than that in a comparable product produced during the base period. |
| | Hair and fulled felts | 0 | Natural rubber latex permitted. |
| | Box toes | X | Natural rubber content to be no greater than that in a comparable product produced during the base period. |
| 15-E | Combining cements and rubberized woven fabrics for shoes | | The over-all monthly consumption of natural rubber shall not exceed 75 percent of the total new RHC consumed in all code 15E products. |
| | Cements for custom combining piece goods. | | |
| | Cements and compounds for coating, finishing, laminating, impregnating, and proofing fabrics used as uppers, linings, sock linings, heel pads, reinforcements, and backers in shoes. | | |
| 15-F | Shoe tapes: | | |
| | Bindings, including French cord | X | |
| | Molded sole edging (binding) | 35 | |
| | Reinforcing and stay tapes | X | |
| | Tapes for applied sewing ribs and economy lips | X | |
| | Pressure-sensitive tapes, cloth-backed | | 30 percent of natural rubber by volume permitted. |
| | Pressure-sensitive tapes, paper-backed | | 50 percent of natural rubber by volume permitted. |
| 15-G | Cements for manufacture and repair of shoes and component parts: | | |
| | Shoe factory cements | X | |
| | Shoe repair cements | X | |
| | Cements for manufacture of shoe components | X | Except custom combining cements, code 15E; and cement for welting, code 15H. |
| | Cements and adhesives for anchoring flock | | Natural rubber content to be no greater than that in a comparable product produced during the base period. |
| 15-H | Cements for manufacturing welting for shoes | 0 | Natural rubber latex permitted. |
| 15-I | Protective coatings for shoes during manufacture | 0 | Production, consumption, and sale of protective coatings to keep shoes clean during manufacture containing natural rubber is prohibited. Natural rubber latex permitted. |
| 15-J | Bonded cork granule material for shoes | 0 | |
| | Composition cork sheets, not sponge rubber bonded | 0 | |
| 15-K | Elastic fabric and tape for shoes: | | |
| | Elasticized fabrics for uppers and linings | X | |
| | Goring and elastic shoe tapes | X | |
| 15-L | Bottom filler for shoes: | | |
| | Hot-type thermoplastic fillers | 0 | |
| | Cold-type fillers | | Natural rubber content to be no greater than that in a comparable product produced during the base period. |
| 16 | Cements | | Color optional. The over-all monthly consumption of natural rubber shall not exceed 67 percent of the total new RHC. Natural rubber latex permitted. |
| 16-A | Miscellaneous cement uses: For manufacture of products covered by all code numbers in this Appendix A. | X | |
| 17 | Proofing, combining, or coating of fabric | | In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on line, type, quality, and style do not apply. |
| | Covering material for transportation equipment | 20 | |
| | Film and coated materials for medical, health, and safety products | 100 | |
| | Anchor coats: spread, frictioned, or impregnated directly on fabric or other material to be later calendered or spread. | 100 | |
| | Seaming tapes and strapping | 100 | |
| | Cements used in assembly of other products here listed | 100 | |
| | Diving and life-saving equipment | 100 | |
| | Industrial and protective apparel | 60 | |
| | Industrial specialty products | 70 | |
| | Except low temperature diaphragm material | 100 | |
| | Flocked and imitation sueded materials | 20 | |
| | Except adhesive coating for anchoring the flock | 100 | |
| | Aprons or liners for handling in-process stock | 60 | |
| | Civilian utility products | 20 | |
| | Hospital sheeting | 70 | |

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 18 | Drug sundries, medical, surgical, dental, veterinary, and mortuary | ---------- | Line, type, quality, style, and color optional. |
| 18-A | Adhesive plaster products: | | |
| | Medicated body plasters | 50 | |
| | Plain and medicated foot pads and plasters | 50 | |
| | Surgical adhesive tape | 50 | |
| 18-B | Bulbs, including parts | 65 | |
| | Medicine dropper bulbs | 65 | |
| | Household bulbs | 60 | |
| 18-C | Dental products: | | |
| | Dental dam | X | |
| | Dental polishing tips | X | |
| | Denture rubber | 65 | |
| | Orthodontic bands | X | |
| | Toothbrush gum-massage tips | 35 | |
| | Denture suction and model formers | 60 | |
| 18-D | Flat goods: | | |
| | Fountain syringe bags, molded, and tubing | 55 | Average. |
| | Fountain syringe bags, hand-made, and tubing | 75 | |
| | Ice bags, molded | 55 | Average. |
| | Ice bags, hand-made | 70 | |
| | Invalid cushions, molded | 55 | |
| | Invalid cushions, hand-made | 70 | |
| | Operating cushions | 70 | |
| | Water bottles and combinations, molded and tubing | 55 | |
| | Water bottles, hand-made | 70 | |
| | Latex fountain syringe bags and tubing, ice bags, and bulbs | 0 | Natural rubber latex permitted. |
| 18-E | Gloves and cots: | | |
| | Finger cots, including industrial and agricultural | X | |
| | Surgeons gloves | X | |
| | Net-lined hand-made gloves | 75 | |
| | Electricians' gloves, sleeves, and climber guards | X | |
| | Industrial and general-purpose gloves | X | |
| 18-F | Infant goods: | | |
| | Infant feeding nipples | X | |
| | Nurser bottle caps | X | |
| | Pacifiers | X | |
| | Breast shields | X | |
| | Teethers and teething rings | 15 | |
| | Baby pants | X | |
| | Parts for baby bath seats | X | |
| | Unsupported rubber sheeting | 45 | By weight of compound. |
| 18-G | Miscellaneous sundries: | | |
| | Bath caps: | | |
| | Hand-made | X | |
| | Molded | 85 | |
| | Dipped | 0 | Natural rubber latex permitted. |
| | Blood-pressure bags | X | |
| | Catheters, glass-molded | 65 | |
| | Catheters, latex | X | |
| | Castrator rings | 45 | |
| | Garter buttons | 70 | |
| | Hard rubber pipes, connections, and accessories | 30 | |
| | Penrose tubing | X | |
| | Colostomy outfits | X | |
| | Crutch pads | X | |
| | Crutch pads, sponge | 60 | |
| | Crutch tips | 45 | |
| | Dilators | X | |
| | Inhalation bags and face pieces | X | |
| | Mattresses, inflatable | 65 | |
| | Miscellaneous medical instrument parts | X | |
| | Plaster bowls | 35 | |
| | Prostatic bags | X | |
| | Prosthetic devices | X | |
| | Orthopedic parts, sponge | 60 | |
| | Respirator seal for iron lungs, sponge | X | |
| | Rubber bands and cushions for artificial limbs | X | |
| | Medical stopples | X | |
| | Self-adhering tape and gauze bandage | X | |
| | Tourniquets | X | |
| | Truss pads | X | |
| | Urinals | X | |
| | Vaccine caps | X | |
| | Veterinary sleeves | X | |
| | Bath sprays and parts | 30 | Average. |
| | Toilet and bath sponges | 75 | |
| | Bath socks | X | |
| | Tension tape | 85 | |
| | Rubber sheets for mortuary garments | X | |
| 18-H | Pessaries and prophylactics | X | |
| 18-I | Sheet goods: | | |
| | Bandage gum | X | |
| | Oxygen tent canopies | X | |
| 18-J | Tubing: Surgical tubes and tubing | X | |
| 18-K | Ladies' personal sanitary items: | | |
| | Dress shields | X | |
| | Bloomer protective plates | X | |
| | Sanitary belts | X | |
| | Sanitary aprons | X | |
| | Unsupported girdles | X | |
| | Supported girdles | X | |
| | All items not elsewhere listed | 0 | |
| 19 | Flotation equipment: Pontoons, rafts, boats, and buoys | ---------- | Government orders only. Natural rubber permitted as required. |
| 20 | Life-saving equipment: Suits, jackets, vests, and belts | ---------- | Government orders only. Natural rubber permitted as required. |
| 21 | Bullet sealing fuel cells | X | |
| 22 | Miscellaneous: | | |
| 22-A | Athletic goods | ---------- | Line, type, quality, style, and color optional. |
| | Golf balls | 85 | |
| | Golf club grips | 25 | |
| | Tennis balls | 70 | |
| | Inflatable athletic balls | 65 | |
| | Inflatable playground balls | 65 | Maximum diameter 13 inches. |
| | Squash balls | 70 | |
| | Hand balls | 70 | |
| | Molded strips for exercisers | X | |

| Code No. (1) | Product (2) | Percent natural rubber by volume (3) | Special restrictions or provision (4) |
|---|---|---|---|
| 22-A | Athletic goods—Continued | | |
| | Lacrosse balls | 60 | |
| | Rubber-covered baseballs | 60 | |
| | Baseball centers | 10 | |
| | Rubber-covered soft balls | 60 | |
| | Ear and nose protective plugs | X | |
| | Cement for repair kits | X | |
| | Boxers' teeth protectors | 80 | |
| | Athletic bladders | 20 | Maximum monthly average. |
| | Athletic bladder valves | 85 | |
| | Athletic trunks | 90 | |
| | Gun pads | 90 | |
| | Lead tennis racquet weights | 40 | |
| | Sheet rubber | X | |
| | Swim fins and mits | 40 | |
| | Swim masks and goggles | 40 | |
| | Nose clips | 0 | Natural rubber latex permitted. |
| | All items not elsewhere listed | 0 | |
| 22-B | Balloons | 0 | Line, type, quality, style, and color optional. Natural rubber latex permitted. |
| 22-C | Sponge rubber | | Line, type, quality, style, and color optional. |
| | Nitrogen-blown | X | Gas chamber method only. |
| | Chemically blown | | 75 percent natural rubber to total RHC permitted. Maximum monthly average. |
| | Kneeling pads | 50 | |
| | Church kneelers | 50 | |
| | Wallpaper cleaners | 50 | |
| | Floor mops | 50 | |
| | Seat cushions | 50 | |
| | Firemen's landing pads | 50 | |
| | Typewriter pads | 50 | |
| | Breast pads | 50 | |
| | Sponge balls | 50 | |
| | Sponge toys | 50 | |
| | Sponge novelties | 50 | |
| 22-E | Miscellaneous products: | | |
| | Radio, radar, and fire control instruments | X | |
| | Parachute bands and ventilating rings | X | |
| | Chlorinated and cyclized rubber | X | |
| | Flavored masticating gum | X | |
| | Lubricating greases | 0 | Natural rubber latex permitted. |
| 22-F | Pressure-sensitive tape | | Line, type, quality, style, and color optional. |
| | Color decorative tapes | 10 | For household use sold in lengths less than 1.292 inches. |
| | General purpose cloth-backed tapes | 30 | |
| | Double-faced cloth-backed tapes | 30 | Adhesive only. |
| | Nonfibrous film-backed tapes | 60 | Adhesive only. |
| | Sand blast stencil tapes | 40 | Adhesive plus backing. |
| | Cloth-backed photographic tapes | 36 | Combined adhesive and impregnating compositions. |
| | Paper-backed tapes, as follows | 40 | Combined adhesive and impregnating compositions. |
| | General purpose masking tapes | | |
| | Frozen food packaging tapes | | |
| | Photographic tapes | | |
| | Double-faced tapes | | |
| | Drafting tapes | | |
| | Shoe tapes | | |
| | Extra-strength tapes | | |
| | Super-strength tapes | | |
| | Printed utility tapes and sheets | | |
| | Tapes with backings of nonfibrous film laminated to paper | 50 | Combined adhesive laminating and impregnating compositions. |
| | Electrical tapes | X | Not elsewhere listed. |
| | High-temperature tapes | X | |
| | Non staining tapes | X | |
| | High-strength tapes | X | Tensile strength more than 100 pounds per inch width. |
| | Protective paper and cloth tapes | X | |
| | Other tapes | X | Purchased by Government to Federal specifications. |
| 22-G | Stationers' supplies | | Line, type, quality, style, and color optional. |
| | Erasers | 20 | Percent of natural rubber to total new RHC. |
| | Pen sacs | 0 | Natural rubber latex permitted. |
| | Rubber bands | 90 | |
| | Finger tips | 35 | |
| | Mucilage spreaders | 50 | |
| 22-H | Thread and related products: | | |
| | Rubber thread | X | Natural rubber latex permitted. Six colors permitted. |
| | Garment tape | X | Color optional. |
| 22-K | Toys | | Line, type, quality, style, and color optional. |
| | Latex toys | | Natural rubber latex permitted. |
| | Doll skins | 0 | |
| | Dipped beach balls | 0 | |
| | Slush-molded toys | 0 | |
| | Crib toys | 0 | |
| | Molded (dry rubber) toys: | | |
| | Core-molded dolls and parts | 55 | |
| | Inflated dolls | 55 | |
| | Inflated balls | 65 | |
| | Hand-made water toys | 65 | |
| | Pet balls | 55 | |
| | Die-cut toys | 88 | |
| | All items not elsewhere listed | 0 | |
| 22-L | Rubber flooring, floor covering, wall covering | | Line, type, quality, style, and color optional. |
| | Rubber tile flooring | 0 | |
| | Coating for fiber floor covering | 0 | Natural rubber latex permitted. |
| | Wall covering | 0 | |
| 22-M | Rubberized fiber and hair cushioning | 0 | Color optional. Natural rubber latex permitted. |

| Code No. (1) | Product (2) | Percent natural rubber to total RHC (3) | Special restrictions or provisions (4) |
|---|---|---|---|
| 23 | Latex foam products | | Line, type, quality, style, and color optional. |
| | Bedding: | | |
| | Mattresses | X | |
| | Mattress toppers | X | |
| | Pillows | X | |
| | Automotive toppers | 60 | |
| | Furniture—transportation seating | X | |
| | Uncored slab | 80 | |
| | Miscellaneous molded parts | X | |
| 24 | Any product other than products listed in codes 1 to 23, inclusive | 0 | Line, type, quality, style, and color optional. |

APPENDIX B OF NPA ORDER M-2

On application to the Rubber Division, NPA, and in accordance with instructions in section 12 of NPA Order M-2, additional quantities of butyl will be made available to fill contracts with the following symbols or allotments:

| *Allotment and/or DO rating symbol* | *Program* |
|---|---|
| A-1 through A-9, B-1 through B-9, C-1 through C-9, Z-9. | Department of Defense and United States Coast Guard. |
| D-1 through D-9 | Department of the Army. |
| E-1 through E-9 | Atomic Energy Commission. |
| J-7 | Department of State (Voice of America). |
| W-1 and W-3 | Department of Defense. |

[F. R. Doc. 52-3584; Filed, Mar. 26, 1952; 11:05 a. m.]

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[NPA Order M-46A, Amdt. 1 of March 26, 1952]

M-46A—PRIORITY ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. Consultation with industry representatives in advance of the issuance of this amendment was impracticable due to the fact that it applies to all branches of the foreign petroleum industry.

NPA Order M-46A as amended September 5, 1951, is hereby further amended in the following respects:

1. Section 1 is amended to change the definition of a large construction operation. The purpose of this change is to increase the size of those construction operations which must be treated as large construction operations under the order. As so amended, section 1 reads as follows:

SECTION 1. *What this order does.* This order explains how priority assistance is made available to petroleum operators to obtain material for use in all countries except the United States and Canada. The order establishes two procedures to be followed in obtaining and using priority assistance. The first procedure relates to use of material for large construction operations. A large construction operation is any one complete construction operation in which the total cost of controlled materials from the United States to be used is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more. The second procedure relates to material obtained for any use other than use in a large construction operation. This second procedure includes material for use in production, small construction operations, maintenance, repair, operating supplies, and laboratory equipment.

2. Section 2, paragraph (e) is amended to change the definition of "construction operation" to include certain uses of material incident to production. As so amended, paragraph (e) of section 2 reads as follows:

(e) "Construction operation" means any use of material for construction, expansion, improvement or reconstruction, incident to any branch of the petroleum industry other than production, but shall include, however, the following uses of material incident to production: (1) A use of material for a vacuum plant or facility; a cycling plant or facility; a plant or facility used for stabilizing of crude oil; a plant or facility for the accumulation and storage of crude oil; a plant or facility for the extraction or recovery of natural gasoline or associated hydrocarbons, or for other treatment, processing, or compression of natural gas; (2) a use of material in a secondary recovery production operation by water flooding or by utilization of gas; or (3) a use of material for production offices or camp and related facilities.

3. Section 4 is amended to change the definition of a large construction operation for the same purpose and to the same extent as is section 1. As so amended, section 4 reads as follows:

SEC. 4. *Large construction operations.* Form PAD-26A, filed in accordance with the instructions printed thereon, must be used in connection with the priority assistance made available in this order for materials to be used in a large construction operation. A large construction operation is any one complete construction operation in which the total cost of controlled materials from the United States to be used is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more. Form PAD-26A is filed to obtain priority assistance for all materials going into the construction operation which it covers. After the form has been returned to the applicant indicating approval and the extent to which he may use priority assistance, the applicant may, to that extent, place delivery orders bearing the appropriate identification set forth in section 3 (b) of this order.

4. Schedule II, item E, is amended by adding four new subitems (b), (c), (d), and (e). As so amended, Schedule II, item E, reads as follows:

E. GENERAL

(a) Items on List A of NPA Reg. 2, as amended from time to time.

(b) Items on Exhibit A of NPA Order M-41 (metalworking machines).

(c) Items on List A of NPA Order M-43 (construction machinery).

(d) Items on Schedule A of NPA Order M-44 (power and electric equipment).

(e) All "restricted commodities" shown in Part 399.1 under the code designation "B" in Part 399.1, Appendix A, of the Comprehensive Export Schedule of the Office of International Trade, as amended from time to time.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect March 31, 1952.

Issued March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-3581; Filed, Mar. 26, 1952; 11:04 a. m.]

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[NPA Order M-57 as Amended March 26, 1952]

M-57—VEGETABLE TANNING MATERIAL

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended there has been consultation with industry representatives including trade association representatives and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amended order affects NPA Order M-57 (as last amended September 11, 1951) as follows: Section 1 and paragraph (b) of section 2 are amended in minor respects. Paragraph (e) of section 2 is deleted. Section 5 is deleted to eliminate restrictions on the use of quebracho in oil and gas well drilling. Section 6 is redesignated section 5, and is amended in minor respects. Sections 7, 8, and 9 are amended to require reports on quebracho and are incorporated in one section, designated as section 6. Sections 10 and 11 are amended in minor re-

spects and redesignated as sections 7 and 8, respectively.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of vegetable tanning material.
4. Restrictions on use of chestnut extract in blends.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp; sec. 2 E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to conserve vegetable tanning materials so as best to serve the interests of national defense and essential civilian requirements. It prohibits the use by a processor of any vegetable tanning material for any purpose other than those provided for in this order. It also prohibits a processor from increasing the proportion of chestnut extract in any blend above the proportion which he used during the first 6 months of 1950.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Vegetable tanning material" means any of the following materials and extracts or any blend thereof:

Domestic raw materials and extracts:
- California oak bark.
- Chestnut oak bark.
- Chestnut wood.
- Hemlock bark.
- Sumac.

Foreign raw materials and extracts:
- Algarobilla (pods).
- Chestnut extract.
- Divi-divi (pods).
- Gambier.
- Hemlock bark.
- Mangrove bark.
- Myrobalans (nuts).
- Quebracho wood.
- Sumac.
- Tara pods.
- Tara powder.
- Urunday.
- Valonia beards and cups.
- Wattle or mimosa bark.

(c) "Processor" means any person who used for any purpose (including blending) in any calendar month commencing with January 1950, to and including March 1951, or who uses for any purpose (including blending) in any calendar month thereafter, more than 500 tan units of chestnut extract or more than 2,500 tan units of vegetable tanning materials, including chestnut extract if any is used.

(d) "Blending" means only the mixing or combining of any of the materials or extracts listed in paragraph (b) of this section with any other such material or extract, or with any synthetic tanning material. A "blend" means the resultant product of blending.

(e) "NPA" means the National Production Authority.

(f) "Tan unit" means 1 pound of 100 percent tannin as determined by the analytical methods of the American Leather Chemists Association.

SEC. 3. *Restrictions on use of vegetable tanning material.* (a) No processor shall use any vegetable tanning material (whether a blend or otherwise) for any purpose other than the following:

(1) The tanning of hides and skins or other processing of leather.

(2) The manufacture of pharmaceuticals.

(3) The manufacture of tannic, gallic, or pyrogallic acid.

(4) The manufacture of water treatment products.

(5) In the drilling of gas or oil wells.

(6) The making of any product which is suitable for use in the drilling of gas or oil wells.

(7) Blending.

(b) No person shall use any product referred to in subparagraph (6) of paragraph (a) of this section, for any purpose other than in the drilling of gas or oil wells.

SEC. 4. *Restrictions on use of chestnut extract in blends.* No processor shall use a greater proportion of chestnut extract in any blend than the average proportion of chestnut extract he used in all blends during the 6-month period ending June 30, 1950.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the systems of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Every person who distributed more than 1,000 tan units of quebracho in any month beginning January 1952, and every processor as defined in this order who uses quebracho for (1) the tanning of hides and skins or other processing of leather, (2) the drilling of gas and oil wells, (3) the making of any product which is suitable for use in the drilling of gas or oil wells, or (4) blending, shall report to NPA on Form NPAF–179 his inventory of quebracho as well as all other information as may be asked for by such form. This information is required for the last calendar quarter of 1951, and for the months of January, February, and March 1952, respectively. Form NPAF–179 shall be filed with NPA on or before April 15, 1952. After the first calendar quarter of 1952, every such person to whom NPA may forward from time to time Form NPAF–179A shall appropriately complete and file with NPA monthly, Form NPAF–179A.

(d) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–57.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect March 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-3580; Filed, Mar. 26, 1952; 11:04 a. m.]

## Chapter XV—Federal Reserve System

[Regulation W, Amdt. 7]

REG. W—CONSUMER CREDIT

MISCELLANEOUS AMENDMENTS

1. Effective March 24, 1952, Regulation W (formerly Part 222 of Title 12) is hereby amended in the following respects:

a. By amending paragraph (c) of section 3 to read as follows:

(c) *Time of down payment.* The down payment shall be obtained at or before the time of delivery of the listed article.

b. By deleting the figure "5" following the words "cash price" in the second sentence of paragraph (d) of section 4 and the footnote to said paragraph (d).

c. By adding at the end of paragraph (b) of section 6 the following new sentence: "In the case of an instalment credit for financing the purchase of an article listed in Group D, this paragraph shall not be deemed to require compliance to be determined from a date in advance of completion of the agreed upon repairs, alterations, or improvements.

d. By changing the figure "5a" at the end of paragraph (a) of section 8 to "5" and by making the corresponding change in the footnote.

e. By inserting in the first sentence of Part 1 of section 9 (the Supplement to the regulation) after the phrase "maximum loan values are prescribed", the language "for articles listed in Group A, Group B, and Group C."

f. By amending the italicized caption "*Group D*—10 percent minimum down payment, 90 percent maximum loan value:" in Part 1 of section 9 (the Supplement to the regulation) to read as follows:

*Group D*—No prescribed requirement as to minimum down payment or maximum loan value:

g. By deleting the second paragraph of Part 4 of section 9 (the Supplement to the regulation).

2. a. The above amendment to Regulation W is issued under the authority of section 5 (b) of the act of October 6, 1917, as amended, U. S. C., Title 50, App., sec. 5 (b); Executive Order No. 8843, dated August 9, 1941; and the "Defense Production Act of 1950", as amended, particularly section 601 thereof.

The purpose of the amendment is to remove from any prescribed minimum down payment and maximum loan value any article listed in Group D of Part 1 of section 9 (the Supplement to the regulation) which covers "Residential repairs, alterations, or improvements".

b. The amendment set forth herein was adopted by the Board after consideration of all relevant matter, including the recommendations received from time to time in consultations with industry and trade association representatives. Special circumstances rendered impracticable further consultation with industry representatives, including trade association representatives, in the formulation of the above amendment, especially in view of the relaxing and technical nature thereof; and, therefore, as authorized by section 709 of the Defense Production Act of 1950, the amendment has been issued without such further consultation. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

(Sec. 5, 40 Stat. 415, as amended, sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp. Interprets or applies sec. 601, 64 Stat. 812, as amended; 50 U. S. C. App. Sup. 2131)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
*Secretary.*

[F. R. Doc. 52-3504; Filed, Mar. 25, 1952; 12:56 p. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 932 ]

[Docket No. AO-33-A18]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Fort Wayne, Indiana, on December 4, 1951, pursuant to notice thereof which was issued on November 27, 1951 (16 F. R. 12099).

The material issues of record related to:

(1) The requirements to be met in order for a plant to be a pool plant and thus be fully subject to the pricing and payment provisions of the order;

(2) Whether milk transferred from a nonpool plant operated by a cooperative association to a pool plant should be considered as producer milk or other source milk;

(3) The substitution of the average wholesale price of cheese at Wisconsin primary markets for the price of cheese presently used in computing the basic formula price; and

(4) Handler's obligations on other source milk.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) *Pool plant requirements.* The present requirements which must be met in order for a plant to be a pool plant and thus be fully subject to the pricing and payment provisions of the order became effective on November 1, 1951. The last month for which the record contains data on receipts and utilization of milk is October 1951. Therefore appraisal of the present requirements cannot be made from this record on the basis of operating experience. The evidence in this record is not sufficient to support a conclusion different from the one made when the present requirements were promulgated. The adequacy of the requirements can be better appraised after they have been in effect for a period of time. No change should be made in these requirements at this time.

(2) *Producer milk.* Milk transferred from a nonpool plant operated by a cooperative association to a pool plant should be considered to be producer milk if (1) the operators of the two plants mutually indicate to the market administrator in writing on or before the 7th day after the end of the delivery period during which the transfer occurred their desire that such milk be considered as producer milk, and (2) the transferring plant had received during that delivery period an amount of producer milk equal to or greater than the amount of producer milk so transferred.

Several handlers obtain substantially all of their producer milk supplies from one of the cooperative associations in the market. This cooperative association operates a nonpool plant at which producer milk of its members in excess of its outlets for producer milk and also other

source milk is manufactured into dairy products. The present provisions of the order are not clear as to whether milk transferred from the cooperative association's nonpool plant to a pool plant would be producer milk or other source milk. Although assigning milk so transferred to producer milk to the extent of the volume of producer milk received at such plant during the month will not directly affect the minimum uniform price to producers, it will simplify administration of the order by keeping payments on other source milk at a minimum.

Verification by the market administrator of segregation of other source milk from producer milk received at the cooperative associations' nonpool plant and transferred to a pool plant for bottling would not be feasible. The conditions herein concluded to be appropriate under which milk so transferred would be considered as producer milk make such verification unnecessary. Such transfers would be producer milk only if the two parties to the transfer both agreed and so indicated to the market administrator on or before the 7th day after the end of the month during which the transfer occurred. This date coincides with the date on which regular monthly reports of receipts and utilization are made by handlers.

In the interest of consistency, the cooperative association should be designated a handler with respect to producer milk which it causes to be delivered to a pool plant from its nonpool plant to the same extent as it is a handler with respect to milk which it causes to be delivered to a pool plant directly from farms. This requires a change in the handler definition as it relates to cooperative associations and a conforming change in § 932.62 and in § 932.80 (b).

Since pursuant to these conclusions specific conditions are established under which milk transferred from a nonpool plant operated by a cooperative association to a pool plant is producer milk, any milk so transferred with respect to which these specific conditions are not met should be considered as other source milk.

(3) *Cheese prices.* The average wholesale price of cheese ("Cheddars") at Wisconsin primary markets as computed and reported by the United States Department of Agriculture should be substituted for the average wholesale price of cheese ("Cheddars") on the Wisconsin Cheese Exchange in the computation of the basic formula price.

The quotation for cheese at Wisconsin primary markets is reported daily and is based on actual sales of cheese. The Wisconsin Cheese Exchange meets once a week so that the price determination based on sales or bids and offers for cheese on this Exchange is reported only once a week. The volume of cheese sold through the Wisconsin Cheese Exchange is small in relation to the total volume of cheese sold at Wisconsin primary markets. Moreover there have been numerous occasions when no sales of cheese were made through the Wisconsin Cheese Exchange. It has been necessary therefore to use prices for those weeks which are derived from either bids or offers rather than from actual sales. Since the Wisconsin primary market quotation has been available there have been only few instances when sufficient sales have not been made on which to base a report. In view of these facts the price of cheese at Wisconsin primary markets is the more representative report to use to reflect the prices actually received by manufacturers of cheese.

The types of transaction on which the two cheese prices discussed above are based are similar—both are for the same type of cheese. The prices differ, however, in that the price at primary markets includes charges for certain services performed by the seller while these charges are not included in the Exchange price but are made as separate charges to the purchaser. The primary markets price is higher than the Exchange price. In the last year or two the difference has averaged about 1.3 cents per pound. Since no evidence was submitted to show that the basic formula price should be increased, 1.3 cents should be deducted from the primary markets price to result in a level comparable with the Exchange price.

(4) *Obligations on other source milk.* An obligation in an amount sufficient to insure that a handler cannot obtain other source milk at a cost below the cost of producer milk should be assessed against any handler who disposes of other source milk which is classified as Class I.

Class I milk may be provided from receipts from producers, i. e., from "pool" milk, or it may be provided from receipts of milk other than from producers, i. e., "other source" milk. The major source of other source milk is from manufacturing plants in the supply area. There are a large number of manufacturing milk plants near Fort Wayne which are possible sources of other source milk. Some are near enough that little if any transportation cost would be involved in obtaining milk from them. Handlers could also develop a supply of other source milk directly from dairy farmers. Many of the trucks which deliver milk from producers and farmers to handlers' plants also haul other source milk which could be unloaded at handlers' plants if the handlers want it.

The minimum price provisions of the order apply fully to Class I milk from "pool" sources. Unless special provision is made, however, the order would not apply to Class I milk from "other sources." Handlers who deal in "other source" Class I milk would be at an advantage as compared to handlers whose Class I milk was derived from "pool" milk. If other source milk could be used as Class I at a lower cost than pool milk, the tendency would be for other source milk to displace pool milk in Class I and regular producers would be deprived of a Class I market for their milk. Special provision must therefore be made in the order for dealing with "other source" milk disposed of as Class I. This special provision should involve a payment on other source milk which would be made by handlers utilizing such milk. The amount of the payment would be at a rate equal to the difference between the Class I price and the Class II price and it would be applicable to "other source" milk classified as Class I. This payment would assure that other source milk disposed of as Class I could not be procured at a cost to the handler less than the cost of Class I milk from pool sources. This payment would thus remove any advantage there might be in utilizing other source milk in Class I in preference to milk from pool sources.

The amount of the obligation to be assessed against any handler who disposes of other source milk as Class I should be the difference between the value of such milk at the Class II price and the value of such milk at the Class I price. Since the purpose of the payment on "other source" milk is to assure that such milk cannot be procured for less than Class I milk from "pool" sources, the payment should be an amount which would equalize as near as practicable the difference in the cost of milk from the two sources. Pool milk must be paid for, according to the terms of the order, at the Class I price. Other source milk utilized as Class I may be purchased at a price equivalent to that paid for milk used for manufacturing purposes in the Fort Wayne supply area. The price for Class II milk provided in the order is an accurate reflection of prices paid for milk for manufacturing in the Fort Wayne supply area when account is taken of the premiums which are paid over and above the so-called "basic" price quoted by local manufacturing plants. The Class II price therefore can be taken as a good index of the cost of other source milk used as Class I by Fort Wayne handlers. A payment of the difference between the Class I price and the Class II price on other source milk utilized as Class I will therefore tend to equalize the cost of such other source milk used as Class I with the cost of pool milk used for the same purpose.

The obligation of handlers who operate nonpool plants on other source milk should apply only to Class I milk distributed on routes extending into the marketing area. A suggestion was made that the obligation of handlers who operate pool plants on other source milk classified as Class I should also apply only to that milk distributed in the marketing area. To so limit the obligation would necessitate some method of determining whether the Class I milk disposed of in the marketing area was producer milk or other source milk, if the handlers disposed of Class I milk both inside and outside of the marketing area. No satisfactory method for dealing with this problem can be developed from the evidence in this record.

The responsibility to make the payment on other source milk classified as Class I should be borne by the handler who actually disposes of Class I on routes. It is appropriate for this handler to maintain the records concerning the utilization of other source milk since he is the handler who actually has firsthand knowledge of the final disposition of such milk. Moreover, the placing of the responsibility for payment upon such handler will not result in any person becoming a handler who would not other-

wise be one under the terms of the order. The "handler" definition should be amended accordingly.

It was suggested that these obligations on other source milk should not apply when the market becomes short of producer milk. Even when the supply of producer milk is inadequate, the potentiality exists for handlers to displace producer milk with other source milk if the other source milk can be purchased cheaper than producer milk, and the record indicates that other source milk is available at all times at prices below the cost of producer milk. Therefore the obligation on Class I other source milk should apply at all times.

Obligations paid by handlers on other source milk should become a part of the producer-settlement fund and be distributed among all producers since other source milk disposed of as Class I milk in the marketing area displaces producer milk. A change in § 932.71 (a) is necessary to effectuate this conclusion.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* A brief was filed on behalf of Wayne Cooperative Milk Producers, Inc. The brief contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief is consistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and amendment to the order.* The following order amending §§ 932.10, 932.13, 932.50 (b) (2), 932.62, 932.71 (a), 932.80 (b), and 932.84 is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended. *It is hereby ordered,* That the full text of the order, as amended, and as hereby proposed to be further amended be published in the FEDERAL REGISTER as a part of this decision.

DEFINITIONS

§ 932.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 932.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 932.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 932.50 through § 932.53.

§ 932.4 *Market Administrator.* "Market Administrator" means the agency described in § 932.20.

§ 932.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 932.6 *Fort Wayne, Indiana, marketing area.* "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of Fort Wayne, Indiana.

§ 932.7 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 932.8 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 932.9 *Route.* "Route" means a delivery (including at a plant store) of Class I milk to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

§ 932.10 *Handler.* "Handler" means: (a) Any person with respect to all skim milk and butterfat received at (1) a pool plant operated by him, or (2) a nonpool plant operated by him during any delivery period within which a route is operated from such plant wholly or partially within the marketing area; or (b) any cooperative association not operating a pool plant with respect to (1) producer milk caused by it to be delivered to a pool plant for which milk such association is authorized to receive payment, or (2) milk certified by the Fort Wayne Board of Health for disposition within the marketing area as fluid milk which such association caused to be delivered, for its account, to a nonpool plant. Milk caused to be so delivered shall be deemed to be received by such association.

§ 932.11 *Producer.* "Producer" means any person, except a producer-handler, having certification issued by the Fort Wayne Board of Health, to produce milk for disposition within the marketing area in the form of fluid milk which is received during the delivery period (a) in a pool plant, or (b) by a cooperative association not operating a pool plant. This definition shall be deemed to include any person whose milk has been received previously in a pool plant but is caused to be delivered from a pool plant to a nonpool plant; and milk so delivered shall be deemed to have been received in such pool plant.

§ 932.12 *Pool plant.* "Pool plant" means any milk processing or distributing plant other than the plant of a producer-handler approved by the Fort Wayne Board of Health:

(a) During any delivery period within which the total combined amount of skim milk and butterfat disposed of as Class I milk on a route (or routes) operated wholly or partially in the marketing area from such plant is equal to 20 percent or more of the total volume of milk received at such plant during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk;

(b) During any of the delivery periods of October, November, December and January within which the total combined amount of skim milk and butterfat transferred as Class I milk to a pool plant described in paragraph (a) of this section in the form of milk is equal to 20 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk; or

(c) During each of the delivery periods of February through September 1952 if during each of any two of the delivery periods of November and December 1951 and January 1952 the total combined amount of skim milk and butterfat transferred as Class I milk to a pool plant described in paragraph (a) of this section in the form of milk was equal to 50 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk; and during each of the delivery periods of February through September of any year after 1952 if during each of any three of the next preceding four consecutive delivery periods October, November, December and January the total combined amount of skim milk and butterfat transferred as Class I milk to a

pool plant described in paragraph (a) of this section in the form of milk was equal to 50 percent or more of the total volume of milk received by such transferor during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk: *Provided*, That any plant which is a pool plant pursuant to this paragraph shall become a nonpool plant during any delivery period immediately following the delivery period within which the operator of such plant notifies the market administrator in writing on or before the 10th day of his intention that such plant shall become a nonpool plant, and such a plant shall not again be a pool plant pursuant to this paragraph until the following February; and the market administrator shall notify each cooperative association which causes milk to be delivered to such plant and each producer delivering to such plant who is not a member of a cooperative association at least 10 days prior to the first day of the first delivery period during which such plant is to be a nonpool plant of the handler's intention that such plant shall become a nonpool plant.

§ 932.13 *Producer milk.* "Producer milk" means milk produced and handled under conditions set forth in § 932.11. Skim milk and butterfat transferred in the form of milk to a pool plant from a nonpool plant operated by a cooperative association to which such association causes prducer milk to be delivered pursuant to § 932.10 (b) (2) shall be considered to have been producer milk if (a) the cooperative association and the handler operating the pool plant mutually indicate to the market administrator in writing on or before the 7th day after the end of the delivery period within which such transfer occurred, their desire that such skim and butterfat be considered as producer milk, and (b) the amount of skim milk and the amount of butterfat so transferred as producer milk is no greater than the amount of skim milk or the amount of butterfat, respectively, contained in producer milk caused by such association to be delivered to such nonpool plant during the delivery period.

§ 932.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 932.15 *Producer-handler.* "Producer-handler" means any person who produces milk but receives no milk from producers and operates a route extending into the marketing area.

§ 932.16 *Nonpool plant.* Any milk processing or distributing plant shall be a "nonpool plant" in any delivery period in which it is not a pool plant.

MARKET ADMINISTRATOR

§ 932.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 932.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 932.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 932.86:

(1) The cost of his bond and of the bonds of his employees.

(2) His own compensation, and

(3) All other expenses, except those incurred under § 932.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 932.30 or (2) payments pursuant to §§ 932.80 through 932.89;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class, and

(2) On or before the 13th day after the end of such delivery period, the uniform price computed pursuant to § 932.71 and the butterfat differential computed pursuant to § 932.82 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 932.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and the quantities of skim milk contained (1) in (or used in the production of) all receipts within such delivery period of producer milk, skim milk and butterfat in any form from any other handler, and other source milk, and (2) in all producer milk caused to be delivered during such delivery period to a nonpool plant for the account of such handler;

(b) The product pounds of milk products received from any source other than a handler and disposed of in the same form, except milk products covered by the definition of Class II milk disposed of in the form in which received without further processing by the handler;

(c) The utilization of all receipts required to be reported under paragraphs (a) and (b) of this section; and

(d) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 932.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 22d day after the end of each delivery period each handler who operates a pool plant shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (1) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 932.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 932.33 *Retention of records.* All books and records required to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 932.40 *Skim milk and butterfat to be classified.* The market administrator shall classify pursuant to § 932.41 through § 932.46:

(a) All skim milk and butterfat, in any form, received within the delivery period by a handler in producer milk, in other source milk, and from another handler; and

(b) All skim milk and butterfat in producer milk caused by a handler to be delivered for his account to a nonpool plant.

§ 932.41 *Classes of utilization.* Subject to the conditions set forth in § 932.43 and § 932.44, the skim milk and butterfat described in § 932.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as (i) milk, skim milk, buttermilk, flavored milk, or flavored milk drinks (except as provided in paragraph (b) (2) and (3) of this section); (ii) cream or as any mixture containing cream and milk or skim milk (not including ice cream mix disposed of pursuant to paragraph (b) (4) of this section or any product disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); or (iii) eggnog;

(2) Used to produce concentrated milk disposed of for fluid consumption; or

(3) Not specifically accounted for as any product specified in subparagraphs (1) and (2) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than those specified in paragraph (a) (1) and (2) of this section;

(2) Dumped or disposed of for livestock feed as skim milk, flavored milk, flavored milk drinks, or buttermilk;

(3) Disposed of during any of the delivery periods of January through September as bulk milk, skim milk, or cream to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(4) Disposed of as ice cream mix to a commercial processor;

(5) In actual plant shrinkage of producer milk computed pursuant to § 932.42, but not in excess of 2 percent thereof; or

(6) In actual plant shrinkage of other source milk computed pursuant to § 932.42.

§ 932.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between producer milk and other source milk after deducting receipts from other handlers.

§ 932.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 932.44 *Disposition to milk plants.* Skim milk and butterfat disposed of by transfer or diversion from a pool plant to another plant shall be classified as follows:

(a) As Class I milk if disposed of to a pool plant of another handler in the form of milk, skim milk, or cream unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which the transaction occurred: *Provided*, That skim milk and butterfat so assigned to Class II shall be limited to the amount thereof remaining in such class at the plant of the transferee handler after the subtraction of other source milk pursuant to § 932.46 (a) (2) and (b); and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I.

(b) As Class I milk if disposed of to a producer-handler in the form of milk, skim milk, or cream.

(c) Except as provided in paragraph (d) of this section, as Class I milk if disposed of to a nonpool plant not operated by the handler in the form of milk, skim milk, or cream unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the transferring handler and receiver on or before the 20th day after the end of the delivery period within which such transfer occurred; (2) such receiver's plant or another nonpool plant to which such receiver transferred milk, skim milk, or cream had actually used during the delivery period in which such milk, skim milk, or cream was received not less than an equivalent amount of skim milk and butterfat in the use mutually indicated in writing by the transferring handler and the receiver; and (3) the receiver or the operator of any other nonpool plant in which utilization is claimed as a basis for classification maintains books and records showing the utilization of all skim milk and butterfat at his plant, which books and records are made available if requested by the market administrator for the purpose of verifying such utilization: *Provided*, That if upon inspection of such books and records the market administrator cannot verify Class II utilization, that portion of skim milk or butterfat for which such utilization cannot be verified shall be classified in Class I.

(d) As Class I milk if disposed of in the form of milk to a plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by the shortest highway distance as determined by the market administrator; and

(e) Producer milk disposed of by a handler to a nonpool plant operated by such handler shall be classified according to its utilization in such nonpool plant or pursuant to paragraphs (a), (b) and (c) (except for the reference to paragraph (d) therein) of this section if it is transferred from such nonpool plant to another plant: *Provided*, That if the use in or transfer from the nonpool plant of such handler is in conjunction with other source milk, producer milk shall be allocated first to the available quantity of Class II milk and any remaining balance of producer milk shall be allocated to Class I.

§ 932.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class

I milk and Class II milk for such handler.

§ 932.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract plant shrinkage of skim milk pursuant to § 932.41 (b) (5) from the total pounds of skim milk in Class II;

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 932.44;

(4) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

(c) Determine the weighted average butterfat test of the remaining Class I milk and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 932.50 *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content determined by the market administrator pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department:

| *Present operator* | *Location* |
|---|---|
| Defiance Milk Products Co. | Defiance, Ohio. |
| Pet Milk Co. | Angola, Ind. |
| Pet Milk Co. | Garrett, Ind. |
| Kraft-Phenix Cheese Corp. | Kendallville, Ind. |

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin state brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points as reported by the United States Department of Agriculture for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4; and

(3) Divide by seven, add 30 percent thereof, and then multiply by 4.0.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department during the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 4.0; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 932.51 *Class I milk prices.* Subject to the provisions of § 932.54 and § 932.55 the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler for producer milk received and classified as Class I milk shall be the basic formula price computed pursuant to § 932.50 adjusted as follows:

(a) Add (1) $0.60 during each of the delivery periods of April, May and June; (2) $1.15 during each of the delivery periods of October, November and December; and (3) $1.00 during each of the other delivery periods.

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk in the first and second delivery period preceding by the total volume of producer milk for the same delivery periods multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the Class I utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

| Delivery period for which the class price is being computed: | *Standard utilization percentage* |
|---|---|
| January | 86 |
| February | 82 |
| March | 78 |
| April | 73 |
| May | 68 |
| June | 60 |
| July | 54 |
| August | 56 |
| September | 61 |
| October | 70 |
| November | 81 |
| December | 87 |

(3) Determine the amount of the supply-demand adjustment as follows:

| If net utilization percentage is— | Supply-demand adjustment for specified delivery periods is— | | |
|---|---|---|---|
| | Jan., Feb., Mar., Aug., and Sept. | Apr., May, June, and July | Oct., Nov., and Dec. |
| | *Cents* | *Cents* | *Cents* |
| +12 or over | +38 | +25 | +50 |
| +9 or +10 | +28 | +19 | +38 |
| +6 or +7 | +20 | +13 | +25 |
| +3 or +4 | +10 | +7 | +14 |
| +1 or −1 | 0 | 0 | 0 |
| −3 or −4 | −10 | −14 | −7 |
| −6 or −7 | −20 | −25 | −13 |
| −9 or −10 | −28 | −38 | −19 |
| −12 or −13 | −38 | −50 | −25 |
| −15 or −16 | −38 | −50 | −31 |
| −18 or −19 | −38 | −50 | −37 |
| −21 or −22 | −38 | −50 | −43 |
| −24 or under | −38 | −50 | −50 |

When the net utilization percentage does not fall within a tabulated bracket, the adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month.

§ 932.52 *Class II milk prices.* Subject to the provisions of § 932.54 and § 932.55 the minimum price per hundredweight on a 4.0 percent butterfat content basis to be paid by each handler for producer milk received and classified as Class II milk shall be the basic formula price.

§ 932.53 *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

§ 932.54 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and

there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 932.60 *Producer-handlers.* Sections 932.40 through 932.4€, 932.50 through 932.54, 932.70 through 932.72, and 932.80 through 932.89 shall not apply to a producer-handler.

§ 932.61 *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

§ 932.62 *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.10 (b) (1), with respect to producer milk caused by it to be delivered to a pool plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to the last proviso of § 932.84 (a).

DETERMINATION OF UNIFORM PRICE

§ 932.70 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 932.30, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 932.46 (a) (4) and (b) by the applicable class prices.

§ 932.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk, on the basis of 4.0 percent butterfat content, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 932.70, the amounts computed pursuant to the first proviso contained in § 932.84 (a), and the amounts computed pursuant to § 932.84 (b).

(b) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 932.85;

(c) Subtract, if the weighted average butterfat test of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such butterfat test is less than 4.0 percent, an amount computed by: multiplying the amount by which its weighted average butterfat test varies from 4.0 percent by the butterfat differential computed pursuant to § 932.82, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under paragraph (d) of this section.

§ 932.72 *Notification of handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the total thereof; (b) the applicable minimum class prices and uniform price; (c) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 932.84 and § 932.85; and (d) the amount to be paid by each handler pursuant to §§ 932.80 (a) and (b), 932.86 and 932.87.

PAYMENTS

§ 932.80 *Time and method of final payment.* Each handler shall make payments, after deducting the amount of the payments made pursuant to § 932.81, as follows:

(a) On or before the 17th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 932.71 adjusted by the producer butterfat differential pursuant to § 932.82, for all milk received from such producer during such delivery period: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 932.85, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to producer milk caused by it to be delivered to such handler during such delivery period, not less than the value of such milk computed at the minimum class prices. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk and Class II milk as determined pursuant to § 932.46.

§ 932.81 *Partial payments.* (a) On or before the last day of each delivery period, each handler shall make payment, except as set forth in paragraph (b) of this section, to each producer, for the milk received from such producer by such handler during the first 15 days of such delivery period, at not less than the uniform price for the preceding delivery period.

(b) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to a cooperative association, for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such delivery period, at not less than the uniform price of the preceding delivery period.

§ 932.82 *Producer butterfat differential.* In making payments pursuant to § 932.80 (a) there shall be added to, or subtracted from, the uniform price for milk of 4.0 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 4.0 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department for the delivery period, by 1.15, dividing by 10, and rounding to the nearest tenth of a cent.

§ 932.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 932.84 and out of which he shall make all payments to handlers pursuant to § 932.85.

§ 932.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, handlers shall pay to the market administrator as follows:

(a) Handlers who operate pool plants shall pay the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82: *Provided,* That handlers who operate pool plants and who receive during such delivery period other source milk which is classified as Class I shall pay an amount equal to the difference between the value of such milk computed at the Class I price and butterfat differential and the value of such milk computed at the Class II price and butterfat differential: *And provided further,* That with respect to milk for which payment is made by a handler to a cooperative association pursuant to § 932.80 (b), the association, in turn, shall pay to the market administrator on or before the 16th day after the end of the delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82.

(b) Handlers who operate nonpool plants from which milk received during such delivery period was disposed of as Class I milk on a route (or routes) operated wholly or partially within the marketing area from such plant shall pay an amount equal to the difference between the value of such milk computed at the Class I price and butterfat differential and the value of such milk computed at the Class II price and butterfat differential.

§ 932.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82, less any unpaid obligations of such handler to the market administrator pursuant to § 932.84, § 932.86, § 932.87, and § 932.88: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to § 932.80 (b), the market administrator shall pay, on or before the 17th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 932.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 932.22 (d) each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all receipts within the delivery period of (a) producer milk (including such handler's own production), and (b) other source milk classified as Class I milk pursuant to § 932.41 (a) (1) and (2).

§ 932.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.80 (a), shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 932.88 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.80 through 932.87 or to paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 5th day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 932.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 932.90 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 932.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 932.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (in-

cluding the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 932.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 932.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 932.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 24th day of March 1952.

[SEAL] GEORGE A. DICE,
*Acting Assistant Administrator.*

[F. R. Doc. 52-3502; Filed, Mar. 26, 1952; 8:49 a. m.]

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## [ 7 CFR Part 941 ]

[Docket No. AO 101-A14]

### HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel LaSalle, Madison and LaSalle Streets, Chicago, Illinois, beginning 10:00 a. m., c. s. t., on April 14, 1952.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chicago, Illinois, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area set forth herein below, or modifications thereof. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendment has been proposed by the Baldwin Cooperative Creamery et al:

*Proposal No. 1.* Amend § 941.81 so as to more clearly reflect the proper level of location adjustment to producers in accordance with the actual cost of transportation of milk and cream to Chicago in the form in which it is shipped.

The following amendments have been proposed by the Chicago Milk Producers Council:

*Proposal No. 2.* Amend § 941.53 (a) to read:

§ 941.53 *Location adjustment credit to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (1) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (2) which is classified as Class I milk but did not move in the manner described in subparagraph (1) of this paragraph or in paragraph (b) (1) of this section, shall be 3 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles from the City Hall in Chicago. For milk purchased or received from producers at a pool plant located within the marketing area, add 6 cents per hundredweight, or if such plant is located outside the marketing area and not more than 55 miles from the City Hall in Chicago, Illinois, add 3 cents per hundredweight.

*Proposal No. 3.* Amend § 941.81 to read:

§ 941.81 *Location adjustment to producers.* In making payments pursuant to § 941.80 (b), for all milk produced or received from producers at a pool plant, each handler shall:

(a) Add 6 cents per hundredweight if such plant is located in the marketing area;

(b) Add 3 cents per hundredweight if such plant is located outside the marketing area and not more than 55 miles; and

(c) Deduct 3 cents per hundredweight for each 15 miles or fraction thereof that such plant is located more than 70 miles, from the City Hall in Chicago, Illinois. All such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

The following amendments have been proposed by the Ice Cream Manufacturers' Association of Cook County:

*Proposal No. 4.* Amend § 941.41 (b) by adding thereto subparagraph (3) as follows:

(3) In ice cream, ice cream mix and other frozen dessert mixes (liquid or powder) which are disposed of within any part of the marketing area outside of the city limits of the city of Chicago.

*Proposal No. 5.* Amend § 941.41 (c) by adding thereto subparagraph (5) reading:

(5) Ice cream, ice cream mix and other frozen dessert mixes (liquid or powder) which are disposed of within any part of the marketing area outside of the city limits of the City of Chicago.

The following amendment has been proposed by the Associated Milk Dealers Inc.:

*Proposal No. 6.* Add the following to § 941.40 (b): "*Provided,* That during a period of a milk strike, milk or skim milk may be diverted to facilities outside the surplus milk manufacturing area, and the market administrator shall, at the request of the handler involved, audit the utilization of the milk or skim milk so diverted and classify it in the class in which the receiving nonhandler actually utilized the milk."

The following amendments have been proposed by Beatrice Foods Company:

*Proposal No. 7.* Amend § 941.40 (b) to include: "Knox, Coles, Macon, Sagamon, and Vermillion Counties in the State of Illinois; Montgomery and Knox Counties in the State of Indiana; Dubuque County in the State of Iowa."

*Proposal No. 8.* Delete the words "or frozen" from § 941.41 (a) (2).

*Proposal No. 9.* Amend § 941.41 (c) (1) by adding the words "frozen concentrated milk in hermatically sealed cans."

The following amendments have been proposed by the Pure Milk Products Cooperative:

*Proposal No. 10.* Amend § 941.52 (c) (1) relating to the 18 midwest condenseries by eliminating the 5 plants in such list which are located in Michigan.

*Proposal No. 11.* Amend § 941.52 (c) (2) by eliminating the butter-cheese formula from Class III and creating a new class in Class IV for cheese, with a new formula to be applied to the pricing of milk utilized for cheese production, which formula shall be 2.75 times the simple average, as published by the United States Department of Agriculture for prices per pound for cheddars on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, multiplied by 3.5.

*Proposal No. 12.* Amend § 941.50 relating to the basic formula price so as to include in the determination of the basic formula price the higher of the prices paid at the midwest condenseries, the butter powder formula and the new formula for cheese prices.

*Proposal No. 13.* Amend §§ 941.70 (d) and 941.71 (e) so as to restrict payments for nearby producers within the 70-mile zone so as not to draw money out of the pool for the benefit of the nearby producers.

*Proposal No. 14.* Amend § 941.81 to provide location adjustments to producers so as to reduce the deduction from producer payments from the present

charge of 2 cents for each zone to such lesser amount as will equitably relate the amounts actually taken from producers in zone differentials to the total transportation allowance to handlers.

*Proposal No. 15.* Amend § 941.50 by adding thereto a subsection requiring uniform payment of premiums to all producers shipping to a handler at any of the handler's plants or plants substantially controlled by a handler, all for the purpose of requiring uniform payment of premiums by a handler at its various plants.

The following amendment was proposed by the Consolidated Badger Cooperative et al.:

*Proposal No. 16.* Amend § 941.52 (d) (3) to provide that: "The figure of 75.2 cents, as stated in this subparagraph, shall be revised monthly to reflect changes in the cost of fuel and labor, as determined by the index of figures of these items, such revision to be effective when the change indicated equals 1/10 of 1 cent or more."

The following amendments have been proposed by the Dean Milk Company:

*Proposal No. 17.* a. Amend § 941.40 (b) by deleting the words "powdered cream."

b. Amend § 941.41 (b) by deleting the words "powdered cream" and "(or powder)."

c. Amend § 941.41 (b) (1) by deleting the words "powdered cream."

d. Amend § 941.41 (b) (2) by deleting the words "(or powder)."

e. Amend § 941.41 (c) (4) by deleting the words "(or powder)."

f. Amend § 941.41 (c) (1) by adding the words "powdered ice cream mix, powdered cream, and any other powder products derived from milk or cream,".

*Proposal No. 18.* Amend § 941.3 to include the township of Grafton.

The following amendments have been proposed by Central Dairy Company et al.:

*Proposal No. 19.* That Federal Milk Marketing Order 91 be consolidated with Federal Milk Marketing Order 41.

*Proposal No. 20.* That such changes be made in Order 91 to conform with all other sections under Federal Milk Marketing Orders 41 and 91 as consolidated.

The Dairy Branch Production and Marketing Administration proposes:

*Proposal No. 21.* Add as § 941.17 the following:

§ 941.17 *Commercial food processor.* "Commercial food processor" means any persons engaged in processing food other than milk or cream in fluid form or ice cream.

*Proposal No. 22.* Amend § 941.40 by deleting the words "paragraph (b) of this section" and substitute "§ 941.41."

*Proposal No. 23.* Amend § 941.40 (b) by deleting the words appearing prior to the words "the State of Wisconsin" and substitute in lieu thereof the following:

(b) Any milk moved as milk or skim milk in fluid form or as bulk condensed or concentrated milk containing not less than 2 percent nor more than 12 percent butterfat from a regulated plant to any plant located outside the following area (hereinafter referred to as "surplus milk manufacturing area") shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed, concentrated or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment:

*Proposal No. 24.* Delete § 941.40 (d) and substitute therefor the following:

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk. If satisfactory proof is furnished to the market administrator that such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk, respectively (as defined in § 941.41), at the latter plant, such excess shall be classified according to its utilization.

*Proposal No. 25.* Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids, and condensed skim milk (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk):

*Proposal No. 26.* Amend § 941.66 by deleting the words "dairy farmers" wherever the same appear and substitute therefor the word "producers."

*Proposal No. 27.* Delete § 941.67 and substitute therefor the following:

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of March through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk or at least 50 percent of the pounds of milk received from producers at such plant during each of the delivery periods of September, October and November is (i) shipped as milk, skim milk or cream in fluid form to a plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, or (ii) disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing that during each of the delivery periods of September, October and November, it is willing to ship milk in fluid form to any plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, which together with such amount of milk, skim milk and cream as it disposes of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s)) in said delivery period shall be not less than 50 percent of the butterfat or not less than 50 percent of the pounds of milk received from producers during the delivery period to which said offer applies: *Provided*, That

(i) Said notice shall contain at least the following information; the specific days on which the milk will be available; the amount of milk available on each of such days with the butterfat content thereof, and if such plant intends to offer its entire supply of milk for a particular day, the offer shall so state; the price to be charged for the milk offered and the terms of sale;

(ii) Only those amounts of milk offered for sale on days that are at least 7 full days after the date on which said notice is postmarked shall be included in computing the total amount offered for the delivery period;

(iii) Only such amount of butterfat or product pounds which is sold on any day within the surplus milk manufacturing area as Class I milk or Class II milk, as is in excess of the amount offered for sale on said day by said notice, shall be considered in computing the amount actually sold on such day, but the entire amount of butterfat or product pounds so sold shall be considered if such sale occurs on a day on which no offer is made;

(iv) Only such amount of milk offered by said notice on any day shall be credited to the offer as is not in excess of the amount of milk received from producers on said day.

Upon receipt of said notice the market administrator shall make the offer and terms thereof public by transmitting the same to all handlers not later than one business day after receiving the notice.

Any handler who desires to accept an offer shall notify the offering plant or the person whom the offering plant has designated as its agent to receive acceptance, of his willingness to accept such offer at least 2 days prior to the date on which the milk is available for purchase. If the offering plant or its agent refuses to sell and deliver the milk to the handler accepting the offer and such handler so notifies the market administrator, he shall verify the refusal to sell by communicating with the offering plant or its agent. If upon subsequent audit and investigation the market administrator determines that such milk had not actually been shipped to a processing and packaging plant serving the marketing area, the offer for said day shall be considered null and void, and in determining the plant's compliance with this section consideration shall be given only to sales occurring on such day.

(3) In computing required percentages of milk, skim milk and cream on a product pound basis any sales of concentrated milk or condensed skim milk to a regulated plant shall be based upon the quantity of the milk or skim milk

used in its production rather than upon the quantity of concentrated milk or condensed skim milk sold.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request and which he may from time to time transmit to all handlers in the market.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

(d) Suspension of any pool plant shall not be terminated or affected by transfer of ownership through sale or otherwise."

*Proposal No. 28.* Delete § 941.52 (c) (2) (ii) and substitute therefor the following:

(ii) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State brand cheddars in cars or truckloads, f. o. b. Wisconsin assembling points as reported by the United States Department of Agriculture for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4;

*Proposal No. 29.* Amend § 941.62 so as to provide clearly that some handler account for the full value of overrun in producer milk wherever found and to designate who is to be obligated to pay for such overrun.

*Proposal No. 30.* Review § 941.68 in relation to provisions currently in effect in nearby Federal order markets.

*Proposal No. 31.* Delete the words "received from producers" from § 941.70.

*Proposal No. 32.* Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order may be procured from the Market Administrator, 73 W. Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 1353, South Building, U. S. Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 24, 1952, at Washington, D. C.

[SEAL] GEORGE A. DICE,
*Acting Assistant Administrator.*

[F. R. Doc. 52-3503; Filed, Mar. 26, 1952; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 42 ]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

TAKE-OFF PERFORMANCE LIMITATIONS FOR LARGE AIRCRAFT

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 42.14–1 *Take-off performance limitations for large aircraft (CAA rules which apply to § 42.14).* Whenever large aircraft are utilized in cargo operation, the following take-off performance limitations shall apply:

(a) Transport category airplanes shall be operated in compliance with the provisions of §§ 42.70 (b), 42.71 (b), and 42.72.

(b) Non-transport category airplanes shall be operated in compliance with the provisions of § 42.81 and shall meet the en route one-engine inoperative climb requirement of § 42.82 at an altitude of 1,000 feet above the airport from which the take-off is being made. The pertinent performance limitations data published under §§ 42.80–1, 42.80–2, 42.80–3, 42.80–4, 42.80–5 and 42.80–7 shall be used in determining compliance with § 42.81.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 42 Stat. 1007, 1010; 49 U. S. C. 551, 554)

[SEAL] F. B. LEE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-3493; Filed, Mar. 26, 1952; 8:48 a. m.]

### [ 14 CFR Part 50 ]

AIRMAN AGENCY CERTIFICATES

PRIMARY FLYING SCHOOL CURRICULUMS; AIRPLANES; LAND AND SEA; 35 HOURS FLYING TIME

Notice is hereby given that the Administrator contemplates amending § 50.13–1 (a), published on July 18, 1951 (16 F. R. 6861), by adding a new paragraph at the end. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed amendment shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER. The new paragraph would read:

A primary flying school may utilize the curriculum approved by the Administrator in effect prior to August 1, 1951, for those students who were enrolled prior to that date and who will be graduated by May 31, 1952.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

[SEAL] F. B. LEE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-3491; Filed, Mar. 26, 1952; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 240 ]

WITHDRAWAL FROM LISTING AND REGISTRATION OF MATURING SECURITIES AND SECURITIES REDEEMED OR RETIRED

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise § 240.12d2–2 (a) (Rule X-12D2–2 (a)) under the Securities Exchange Act of 1934, and to adopt Form 25 to be used by national securities exchanges as the notification of the removal of matured, redeemed or retired securities from listing and registration pursuant to that rule. This action would be taken pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof.

The present Rule X-12D2–2 (a) requires an exchange to file a notice and certification in order to effect the removal of matured, redeemed or retired securities from listing and registration. The adoption of Form 25 will simplify the preparation and filing of such notice and certification since it, specifies the particular information to be submitted and requires only the minimum data necessary to show compliance with the rule. The revisions to the rule are designed to clarify its provisions, to prescribe the use of Form 25, and to permit the removal of securities from listing and registration when funds for their redemption, retirement or payment have been deposited with the agency to make the payment, appropriate notice thereof has been given, and the funds have been made available to security holders.

Copies of the proposed Form 25 are available and may be obtained on request from the Secretary of the Securities and Exchange Commission. The revised rule would read as follows:

§ 240.12d2–2 *Removal from listing and registration of matured, redeemed or retired securities.* (a) Within a reasonable time after a national securities exchange knows or is reliably informed that any of the following conditions exist with respect to a security listed and registered thereon, the exchange shall file with the Commission a notification on Form 25 [1] of its intention to remove such security from listing and registration:

(1) The entire class of the security has been called for redemption; maturity or retirement; appropriate notice thereof has been given; funds sufficient for the payment of all such securities have been deposited with an agency authorized to make such payment; and such funds have been made available to security holders.

(2) The entire class of the security has been redeemed or paid at maturity or retirement.

(3) The instruments representing the securities comprising the entire class have come to evidence, by operation of law or otherwise, other securities in substitution therefor and represent no other

[1] Filed as part of the original document.

right, except, if such be the fact, the right to receive an immediate cash payment (the right of dissenters to receive the appraised or fair value of their holdings shall not prevent the application of this provision).

(4) All rights pertaining to the entire class of the security have been extinguished; provided that where such an event occurs as the result of an order of a court or other governmental authority, the order shall be final, all applicable appeal periods shall have expired, and no appeals shall be pending.

*Effective date of removal.* If the conditions of this section are complied with, removal of a security from listing and registration pursuant to a notification on Form 25 shall become effective at the opening of business on such date as the exchange shall specify in said form: *Provided, however,* That such date shall be not less than 7 days following the date on which said form is mailed to the Commission for filing: *And provided further,* That in the event removal is being effected under paragraph (a) (3) of this section and the exchange has admitted or intends to admit a successor security to trading under the temporary exemption provided for by Rule X-12A-5 (§ 240.12a-5), such date shall not be earlier than the date on which the successor security is removed from its exempt status.

All interested persons are invited to submit views and comments thereon in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before April 7, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 20, 1952.

[F. R. Doc. 52-3477; Filed, Mar. 26, 1952; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

### [ 49 CFR Parts 71-78 ]

[Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

MARCH 20, 1952.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] W. P. BARTEL, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 (15 F. R. 8265, 8266, 8267, 8268, 8269, 8272, 8273, Dec. 2, 1950) (16 F. R. 11775, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

| Article | Classed as | Exemption and packing (see sec.) | Label required if not exempt | Maximum quantity in one outside container by rail express |
|---|---|---|---|---|
| *Change* | | | | |
| *Aliphatic mercaptan mixtures | F. L. | No exemption, 73.141. | Red | 10 gallons. |
| Hexmethyl tetraphosphate, liquid | Pois. B | No exemption, 73.358. | Poison | 1 quart. |
| Hexmethyl tetraphosphate mixture, dry | Pois. B | 73.377 | Poison | 200 pounds. |
| Hexmethyl tetraphosphate mixture, liquid | Pois. B | 73.359 | Poison | 1 quart. |
| Lead azide. See Initiating explosive. | | | | |
| Tetraethyl dithio pyrophosphate, liquid | Pois. B | No exemption, 73.358. | Poison | 1 quart. |
| Tetraethyl dithio pyrophosphate mixture, dry | Pois. B | 73.377 | Poison | 200 pounds. |
| Tetraethyl dithio pyrophosphate mixture, liquid | Pois. B | 73.358 | Poison | 1 quart. |
| Tetraethyl pyrophosphate, liquid | Pois. B | No exemption, 73.358. | Poison | 1 quart. |
| Tetraethyl pyrophosphate mixture, dry | Pois. B | 73.377 | Poison | 200 pounds. |
| Tetraethyl pyrophosphate mixture, liquid | Pois. B | 73.359 | Poison | 1 quart. |
| Tetrafluoroethylene, inhibited | F. G | 73.302, 73.308 | Red Gas | 300 pounds. |
| *Add* | | | | |
| Calcium, metallic, crystalline | F. S | No exemption, 73.231. | Yellow | 25 pounds. |
| Engine, internal combustion. See 73.120. | | | | |
| Motors, internal combustion. See 73.120. | | | | |
| Methyl parathion, liquid | Pois. B | No exemption, 73.358. | Poison | 1 quart. |
| Methyl parathion mixture, liquid | Pois. B | 73.359 | Poison | 1 quart. |
| Tank car, containing residual phosphorus and filled with water. See §73.232. | | | | |
| Vinyl trichlorosilane | F. L. | No exemption, 73.135. | Red | 10 gallons |
| *Cancel* | | | | |
| *Chlorbenzene. See *Chlorobenzol. | | | | |
| *Chlorobenzene. See *Chlorobenzol. | | | | |
| *Chlorbenzol. See *Chlorobenzol. | | | | |
| *Chlorobenzol | F. L. | 73.118, 73.119. | Red | 10 gallons. |
| Monochlorobenzene. See *Chlorobenzol. | | | | |
| Monochlorbenzol. See *Chlorobenzol. | | | | |
| Monochlorobenzol. See *Chlorobenzol. | | | | |

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Amend § 73.34 paragraph (k) and Table (16 F. R. 9373, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* * * *

(k) The tests prescribed by paragraph (j) of this section must be (for exceptions see subparagraphs (1) to (11) of this paragraph):

| Specification under which cylinders were made | Minimum retest pressure (pounds per square inch) |
|---|---|
| ICC-3 | 3,000 pounds. |
| ICC-3A; ICC-3AA; ICC-3D; ICC-4A; ICC-26 marked for filling at over 450 pounds. | 5/3 times the service pressure. (See 173.301 (g).) |
| ICC-3B; ICC-3BN; ICC-4B; ICC-4BA; ICC-4D; ICC-26 marked for filling at 450 pounds and below. | 2 times the service pressure. (See (73.301 (g).) |
| ICC-3C; ICC-E; ICC-4C; ICC-8; ICC-8AL. | Quinquennial test not required. |
| ICC-7 when used as authorized in (73.312 (a) (4). | 300 pounds. |
| ICC-7 when not used under authority of §73.312 (a) (4). | Quinquennial test not required. |
| ICC-4 | 700 pounds. |
| ICC-9 | 400 pounds. |
| ICC-25; ICC-38 | 500 pounds. |
| ICC-33 | 800 pounds. |

* * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.73 paragraph (b) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 73.73, 1950 Rev.) to read as follows:

§ 73.73 *Lead azide.* * * *

(b) Lead azide, dextrinated type, or otherwise prepared to effectively control grain size, must be packed wet with not less than 20 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside container which must be a bag made of 4-ounce duck. Inside the bag and over the lead azide there must be placed a cap of the same fabric, of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The dry weight of lead azide in one container must not exceed 150 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum, must be lined with a heavy, close-fitting, jute bag closed by

secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

* * * * *

2. Amend § 73.91 paragraph (e) (1) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 73.91, 1950 Rev.) to read as follows:

§ 73.91 *Special fireworks.*

(e) * * *

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes, or spec. 12B (§ 78.205 of this chapter), fiberboard boxes, with inside containers which must be any inside container sufficiently strong to retain contents not exceeding 2 ounces each. If bottles are used, each bottle must be packed in a securely closed fiber mailing tube having metal ends. Not more than 4 dozen 2-ounce bottles may be packed in an outer wooden box. When packed in units not exceeding 1 ounce each without bottles in similar fiber mailing tubes and outer wooden boxes, the gross weight of one outside box must not exceed 150 pounds. Gross weight of fiberboard box not to exceed 65 pounds.

* * * * *

3. Amend § 73.100 paragraphs (a), (r) (7) and (s) (15 F. R. 8295, 8296, Dec. 2, 1950) (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* (a) Explosives, class C, are defined as certain types of manufactured articles which contain class A, or class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. These explosives are further specifically described in this section.

* * * * *

(r) * * *

(7) Railway fusees, truck flares, hand ship distress signals, illuminating torches, smoke candles, smoke signals and smoke pots. Total pyrotechnic composition of illuminating torches not to exceed one hundred grams each in weight.

* * * * *

(s) Igniter cord consists of a wire, with or without textile countering, uniformly covered with a combustible chemical mixture, countered with strands of wire and overspun with textile yarns and/or wire, and water resistant coatings which, when ignited, burns at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers, plainly marked "Igniter Cord".

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraph (c) (21) to § 73.118 (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* * * *

(c) * * *

(21) Vinyl trichlorosilane.

2. Add paragraph (b) to § 73.120 (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.120, 1950 Rev.) to read as follows:

§ 73.120 *Automobiles, motorcycles, tractors, or other self-propelled vehicles.* * * *

(b) *Engines or motors (internal combustion).* Engines or motors (internal combustion) employing liquid fuel classed as flammable liquid under this part, whether shipped separately or as a part of other apparatus, unless specifically exempt in paragraph (a) of this section, must have their fuel tanks completely drained.

3. Amend § 73.135 introductory text of paragraph (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.135, 1950 Rev.) to read as follows:

§ 73.135 *Ethyl trichlorosilane and vinyl trichlorosilane.* (a) Ethyl trichlorosilane and vinyl trichlorosilane must be packed in specification containers as follows:

* * * * *

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (61) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* * * *

(c) * * *

(61) Calcium, metallic, crystalline.

2. Add paragraph (a) (3) to § 73.158 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) * * *

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by corrugated fiberboard or equally efficient cushioning material. Authorized only for lauroyl peroxide, dry.

3. Amend § 73.208 paragraph (a) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.208) to read as follows:

§ 73.208 *Titanium metal powder, wet or dry.* (a) * * *

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal cans not exceeding 1 gallon each, tightly and securely closed, and not more than 12 such inside metal cans in one outside package; or not more than 1 inside metal can of not less than 22-gauge metal and not to exceed 10 gallons capacity, tightly and securely closed.

* * * * *

4. Add § 73.231 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.231, 1950 Rev.) to read as follows:

§ 73.231 *Calcium, metallic, crystalline.* (a) Calcium, metallic, crystalline must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight inside metal containers not over 1 gallon capacity each.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, gross weight not over 350 pounds.

(3) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), gross weight not over 350 pounds.

5. Add § 73.232 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.232, 1950 Rev.) to read as follows:

§ 73.232 *Tank cars containing residual phosphorus.* (a) Tank cars from which phosphorus has been unloaded and from which all residual phosphorus has not been removed by thorough cleaning must be shipped filled with water and must be placarded by the shipper with placards prescribed in § 74.555 of this chapter.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Add § 73.257 paragraph (a) (7) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of polyethylene, or other electrolyte acid resistant plastic, not over 1 gallon each.

2. Amend § 73.260 paragraph (c) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries.* * * *

(c) Single batteries not exceeding 75 pounds each, in addition to requirements of paragraphs (a) and (b) of this section, may be shipped in 5-sided slip covers or in completely closed fiberboard boxes, of solid or double-faced corrugated fiberboard complying with the following: (See par. (a) (1) of this section for more than one battery in an outside container.)

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover must not extend to the base of the battery but must not expose more than ½ inch thereof.

(2) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps). When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of a height to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

(3) All fiberboard must be at least 200 pound test (Mullen) and completed package (battery and slip cover or fiber-

board box) must be capable of withstanding top-to-bottom compression test of at least 500 pounds without damage to battery terminals or filler caps.

* * * * *

3. Amend § 73.267 paragraph (a) (2) (16 F. R. 9375, Sept. 15, 1951) and add paragraph (a) (9) to § 73.267 (15 F. R. 8319, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.267) to read as follows:

§ 73.267 *Mixed acid (nitric and sulfuric acid) (nitrating acid).* (a) * * *

(2) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums of Type 304 ELC or 347 stainless steel only. (See par. (b) of this section.)

* * * * *

(9) Spec. 5A (§ 78.81 of this chapter). Carbon steel barrels or drums. Authorized only for mixed acids containing 80 percent or more nitric acid. (See par. (b) of this section.)

* * * * *

4. Amend § 73.268 paragraph (b) (1) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.268) to read as follows:

§ 73.268 *Nitric acid.* * * *

(b) * * *

(1) Spec. 103C, 103C-W, or 103A-AL-W (§§ 78.268, 78.283, or 78.292 of this chapter). Tank cars.

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.306 paragraph (b) (15 F. R. 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except gas in solution or poisonous gas.* * * *

(b) Mixtures containing compressed gas or gases including insecticides, which mixtures are nonpoisonous and nonflammable under this part, must be shipped in cylinders as prescribed in paragraph (a) of this section, or as follows:

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.326 paragraph (b) (15 F. R. 8332, Dec. 2, 1950) (49 CFR 73.326, 1950 Rev.) to read as follows:

§ 73.326 *Extremely dangerous poisons—class A—poison gas label; definition.* * * *

(b) Poisonous gases or liquids, class A, as defined in paragraph (a) of this section, except as provided in § 73.331, must not be offered for transportation by rail express.

2. Amend § 73.334 introductory text of paragraph (a) (16 F. R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.334) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:

* * * * *

3. Add paragraphs (b) (10), (11), (12) and (13) to § 73.345 (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* * * *

(b) * * *

(10) Hexaethyl tetraphosphate, liquid.

(11) Methyl parathion, liquid.

(12) Tetraethyl dithio pyrophosphate, liquid.

(13) Tetraethyl pyrophosphate, liquid.

4. Amend entire § 73.358 (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers of not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(6) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(7) Cylinders as prescribed for any compressed gas, except acetylene, are also authorized.

5. Amend entire § 73.359 (16 F. R. 11779, 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 50 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophasphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 10 gallons. Authorized only for mixtures not classed as flammable under these regulations.

(4) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes, with metal inside containers not over 10 gallons capacity each.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(6) Spec. 21B (§ 78.223 of this chapter. Fiber drums, with inside glass containers not over 1 gallon capacity each.

(7) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing more than 50 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(6) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(c) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25 percent hexa-

ethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking, and labeling requirements.

6. Amend § 73.377 introductory text of paragraph (a) and (e) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) Hexaethyl tetraphosphate mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

* * * * *

(e) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, and labeling requirements.

7. Add parargaph (a) (5) to § 73.378 (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.378) to read as follows:

§ 73.378 *Beryllium metal powder.* (a) * * *

(5) Spec. 21A or 21B (§ 78.222 or 78.223 of this chapter). Fiber drums, with inside glass or metal containers of not over 25 pounds capacity each.

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PART 74—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.525 paragraph (b) (12) (15 F. R. 8346, Dec. 2, 1950) (49 CFR 74.525, 1950 Rev.) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* * * *

(b) * * *

(12) A car must not be loaded with any explosives, class A, until it shall have been thoroughly inspected by a competent employee of the carrier who shall certify as to its proper condition under this section and shall sign certificate No. 1 prescribed in paragraph (c) (2) and (3) of this section.

* * * * *

2. Amend § 74.526 paragraph (1) (16 F. R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.526) to read as follows:

§ 74.526 *Loading explosives into cars.* (a) * * *

(1) Explosives, class A, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

3. Amend § 74.529 paragraph (a) (16 F. R. 5326, 5327, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.529) to read as follows:

§ 74.529 *Cars for class B explosives.* (a) Explosives, class B, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

4. Amend § 74.532 paragraph (b) (16 F. R. 5327, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles into cars.* * * *

(b) Flammable liquids (red label) and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

* * * * *

SUBPART D—UNLOADING FROM CARS

Add paragraph (c) to § 74.562 (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.562, 1950 Rev.) to read as follows:

§ 74.562 *Removal of placards and car certificate after unloading.* * * *

(c) Tank cars filled with water after unloading phosphorus must have the "Dangerous" placards replaced by the caution placard for residual phosphorus as prescribed in § 74.555.

SUBPART E—HANDLING OF CARRIERS BY RAIL FREIGHT

1. Amend § 74.582 paragraph (a) (15 F. R. 8354, Dec. 2, 1950) (49 CFR 74.582, 1950 Rev.) to read as follows:

§ 74.582 *Movement to be expedited.* (a) Carriers must forward shipments of explosives and other dangerous articles promptly and within 48 hours, Sundays and holidays excluded, after acceptance at originating point or receipt at any yard, transfer station or interchange point, except that where bi-weekly or weekly service only is performed, shipments of explosives and other dangerous articles must be forwarded on the first available train.

* * * * *

2. Amend § 74.584 paragraph (a) Table and (f) (17 F. R. 1563, Feb. 20, 1952) (15 F. R. 8354, 8355, D 1950) (49 CFR 1950 Rev., 1951 Supp., 84) to read as follows:

§ 74.584 *Waybills, switching orders, or other billing.* (a) * * *

| | Label notation to follow entry of the article on the billing | Placard notation to follow entry of the article on the billing | Placard endorsement must be ¾" high and appear on the billing near the space provided for the car number |
|---|---|---|---|
| For high explosives, initiating explosives and low explosives, class A. | None | "Explosives Placard." | "Explosives." |
| For explosive chemical ammunition containing class A poison gas. | Poison gas label | "Explosives and Poison Gas Placard." | "Explosives" and "Poison Gas." |
| For explosives, class B | None | "Dangerous Placard." | "Dangerous." |
| For explosives, class C | do | None | None. |
| For flammable liquids | Red label | "Dangerous Placard." | "Dangerous." |
| For flammable solids | Yellow label | do | Do. |
| For oxidizing materials | do | do | Do. |
| For corrosive liquids | White label | do | Do. |
| For compressed nonflammable gases in containers other than tank cars. | Green label | None | None. |
| For compressed nonflammable gases in tank cars | None | "Dangerous Placard." | "Dangerous." |
| For compressed flammable gases | Red gas label | do | Do. |
| For poisonous gases or liquids, class A | Poison gas label | "Poison Gas Placard." | "Poison Gas." |
| For poisonous liquids or solids, class B | Poison label | "Dangerous Placard." | "Dangerous." |
| For tank cars, filled with water and last containing phosphorus. | None | "Caution—this car contains residual phosphorus and must be kept filled with water." | "Caution—Residual Phosphorus." |
| For tear gases, class C | Tear gas label | None | None. |
| For radioactive materials, class D, poison | Radioactive materials label. | "Dangerous class D Poison Placard." | "Dangerous class D Poison." |

* * * * *

(f) The car ticket, card waybill, running slip, envelope containing waybills, or any other billing for any loaded car which under the regulations in this part should bear "Explosive," "Dangerous," "Dangerous—Class D poison," or "Poison Gas" placards must have plainly stamped, or plainly written on the face of such billing; near the car number, in letters not less than three-eighths of an inch high, the words "Explosive," "Dangerous," "Dangerous—Class D poison," or "Poison Gas"; and for container cars must also show which of the containers loaded thereon contain dangerous articles.

* * * * *

3. Amend § 74.589 paragraphs (b), (h) (3), (h) (9), (j) (3) and (j) (9) (15 F. R. 8356, Dec. 2, 1950) (49 CFR 74.589, 1950 Rev.) to read as follows:

§ 74.589 *Handling cars.*

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Class D Poison," "Poison Gas," or "Caution-Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required by this part. Placards and car certificates lost in transit shall be replaced at next inspection point and those not required shall be removed.

* * * * *

(h) * * *

(3) Any car placarded "Dangerous" or "Dangerous—Class D poison".

* * * * *

(9) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

* * * * *

(j) * * *

(3) Any car placarded "Explosives" or "Dangerous—Class D Poison."

* * * * *

(9) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

* * * * *

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PART 75—REGULATIONS APPLYING TO CARRIERS BY RAIL EXPRESS

SUBPART A—TRANSPORTATION OF EXPLOSIVES BY THE RAILWAY EXPRESS AGENCY INCORPORATED, IN PASSENGER OR EXPRESS TRAIN SERVICE

Amend § 75.655 paragraph (d) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 75.655, 1950 Rev.) to read as follows:

§ 75.655 *Protection of packages.* * * *

(d) Shipments of explosives or other dangerous articles, except poisons and nonflammable compressed gases, when transported in passenger carrying trains, should be loaded in the car occupied by an express employee or in connecting cars to which an express employee has access through end doors, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. Explosives, flammable liquids (red label), and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves are used. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

* * * * *

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PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Add paragraph (a) Note 1 to § 78.50–12 (15 F. R. 8403, Dec. 2, 1950) (49 CFR 78.50–12, 1950 Rev.) to read as follows:

§ 78.50–12 *Opening in cylinders.* (a) * * *

NOTE 1: A brass fitting may be brazed to the steel boss or flange on cylinders used as component parts of hand fire extinguishers

* * * * *

2. Amend § 78.59–3 paragraph (b) (4) (15 F. R. 8420, Dec. 2, 1950) (49 CFR 78.59–3, 1950 Rev.) to read as follows:

§ 78.59–3 *Inspection by whom and where.* * * *

(b) * * *

(4) Prepare report on manufacture of steel shells in form prescribed in § 78.59–20 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

* * * * *

3. Amend § 78.60–3 paragraph (b) (3) (15 F. R. 8422, Dec. 2, 1950) (49 CFR 78.60–3, 1950 Rev.) to read as follows:

§ 78.60–3 *Inspection by whom and where.* * * *

(b) * * *

(3) Report percentage of each specified alloying element in the steel. Prepare report on manufacture of steel shells in form prescribed in § 78.60–24 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

* * * * *

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS, AND BOXES

1. Amend § 78.83–11 introductory text of paragraph (a) (16 F. R. 9381, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.83–11) to read as follows:

§ 78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding not less than 20 percent of the perimeter as follows:

* * * * *

2. Amend § 78.85–10 paragraph (a) (3) (15 F. R. 8437, Dec. 2, 1950) (49 CFR 78.85–10, 1950 Rev.) to read as follows:

§ 78.85–10 *Marking.* (a) * * *

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–11–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–11–50 for body 14 gauge and head 12 gauge).

3. Amend § 78.87–5 paragraph (b) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87–5, 1950 Rev.) to read as follows:

§ 78.87–5 *Seams.* * * *

(b) Head and chime seams welded or double-seamed.

* * * * *

4. Amend § 78.115–2 paragraph (a) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.115–2, 1950 Rev.) to read as follows:

§ 78.115–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.115–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

5. Amend § 78.116–2 paragraph (a) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.116–2, 1950 Rev.) to read as follows:

§ 78.116–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.116–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

6. Amend § 78.117–2 paragraph (a) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117–2, 1950 Rev.) to read as follows:

§ 78.117–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.117–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

7. Amend § 78.118–2 paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118–2, 1950 Rev.) to read as follows:

§ 78.118–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.118–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon.

8. Amend § 78.125–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.125–5) to read as follows:

§ 78.125–5 *Parts and dimensions.* (a) * * *

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Welded side seam required | Minimum thickness in the black (gauge, United States standard) | |
|---|---|---|---|---|---|
| | | | | Body sheet | Head sheet |
| 55 | 80 | Straight side | No | 24 | 24 |
| | 160 | do | No | 22 | 22 |
| | 300 | do | No | 20 | 20 |
| | 425 | do | No | 19 | 19 |
| | 480 | do | Yes | 19 | 19 |
| | 880 | do | Yes | 18 | 18 |

9. Amend § 78.126–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.126–5) to read as follows:

§ 78.126–5 *Parts and dimensions.* (a) * * *

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Welded side seam required | Minimum thickness in the black (gauge, United States standard | |
|---|---|---|---|---|---|
| | | | | Body sheet | Head sheet |
| 55 | 80 | Straight side | No | 26 | 26 |
| | 160 | do | No | 25 | 25 |
| | 220 | do | No | 24 | 24 |
| | 425 | do | No | 22 | 22 |
| | 480 | do | Yes | 22 | 22 |
| | 880 | do | Yes | 20 | 20 |

10. Amend § 78.127–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.127–5) to read as follows:

§ 78.127–5 *Parts and dimensions.* (a) * * *

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Welded side seam required | Minimum thickness in the black (gauge, United States standard) | |
|---|---|---|---|---|---|
| | | | | Body sheet | Head sheet |
| 55 | 80 | Straight side | No | 26 | 26 |
| 55 | 160 | do | No | 26 | 26 |
| 55 [1] | 275 | do | No | 24 | 24 |
| 55 | 425 | do | No | 24 | 24 |
| 55 | 480 | do | Yes | 24 | 24 |
| 55 | 880 | do | Yes | 22 | 22 |

(Footnote remains the same.)

11. Amend § 78.128–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.128–5) to read as follows:

§ 78.128–5 *Parts and dimensions.* (a) * * *

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Welded side seam required | Minimum thickness in the black (gauge, United States standard) | |
|---|---|---|---|---|---|
| | | | | Body sheet | Head sheet |
| 55 | 80 | Straight side | No | 28 | 28 |
| | 160 | do | No | 28 | 28 |
| | 325 | do | No | 26 | 26 |
| | 425 | do | No | 24 | 24 |
| | 480 | do | Yes | 26 | 26 |
| | 880 | do | Yes | 24 | 24 |

12. Amend § 78.129–5 paragraph (a) Table (16 F. R. 5329, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.129–5) to read as follows:

§ 78.129–5 *Parts and dimensions.* (a) * * *

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Minimum thickness in the black (gauge, United States standard) | |
|---|---|---|---|---|
| | | | Body sheet | Head sheet |
| 10 | 45 | Straight side | 28 | 28 |
| 35 | 145 | do | 26 | 26 |
| 30 | 245 | do | 24 | 24 |
| 55 | 245 | do | 22 | 22 |

* * * * *

13. Amend § 78.130–5 paragraph (a) Table (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.130–5, 1950 Rev.) to read as follows:

§ 78.130–5 *Parts and dimensions.* (a) * * *

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Welded side seam required | Minimum thickness in the black (gauge, United States standard) | |
|---|---|---|---|---|---|
| | | | | Body sheet | Head sheet |
| 55 | 275 | Straight side | Yes | 22 | 22 |

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. Amend § 78.169–4 paragraph (a) (15 F. R. 8462, Dec. 2, 1950) (49 CFR 78.169–4, 1950 Rev.) to read as follows:

§ 78.169–4 *Sides, top, and bottom.* (a) Joints tongued and grooved, or one-piece equivalent.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.259 paragraph (b) (7) (15 F. R. 8485, Dec. 2, 1950) (49 CFR 78.259, 1950 Rev.) to read as follows:

§ 78.259 *Specification changes.* * * *

(b) * * *

(7) The office of the Secretary may process and approve applications, without submittal to the members of the Committee, provided (i) such applications are identical with previously approved applications, or (ii) such applications do not cover new or improved types and are certified by the applicant as being in full compliance with the applicable regulations and specifications, and as being composed of appliances and designs each previously approved and not inconsistent in such combination.

* * * * *

2. Amend § 78.271 paragraph ICC–9 (15 F. R. 8496, Dec. 2, 1950) (49 CFR 78.271, 1950 Rev.) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A300.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

3. Amend § 78.272 paragraph ICC–9 (15 F. R. 8497, Dec. 2, 1950) (49 CFR 78.272, 1950 Rev.) to read as follows:

§ 78.272 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A400.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

4. Amend § 78.273 paragraph ICC–9 (15 F. R. 8497, Dec. 2, 1950) (49 CFR 78.273, 1950 Rev.) to read as follows:

§ 78.273 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A500.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

5. Amend § 78.274 paragraph ICC–9 (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.274, 1950 Rev.) to read as follows:

§ 78.274 *Specification for tank cars having lagged forged lapwelded steel tanks Class ICC–105A600.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Thermometer well must be closed with a screw plug.

* * * * *

6. Amend § 78.286 paragraph ICC–11 (c) (15 F. R. 8516, Dec. 2, 1950) (49 CFR 78.286, 1950 Rev.) to read as follows:

§ 78.286 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A300–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

7. Amend § 78.287 paragraph ICC–11 (c) (15 F. R. 8517, Dec. 2, 1950) (49 CFR 78.287, 1950 Rev.) to read as follows:

§ 78.287 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A400–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

7. Amend § 78.288 paragraph ICC–11 (c) (15 F. R. 8518, Dec. 2, 1950) (49 CFR 78.288, 1950 Rev.) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A500–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

8. Amend § 78.289 paragraph ICC–11 (c) (15 F. R. 8519, Dec. 2, 1950) (49 CFR 78.289, 1950 Rev.) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A600–W.* * * *

ICC–11. * * *

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

* * * * *

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APPENDIX

| | *Section and Reason for Amendment* |
|---|---|
| 72.5, Commodity List | To provide for reclassification of 12 commodities; for addition of 7 new commodities; and for cancellation of 7 commodities which have flash points over 80° F. and are not subject to the regulations. |
| 73.34 (k) and Table | To provide minimum retest pressure for ICC–4D cylinders. |
| 73.73 (b) | To provide for the shipment of lead azide with growth controlling additives other than dextrine. |
| 73.91 (e) (1) | To permit use of fiber mailing tubes (telescoping type) for the transportation of photographic flash powder. |
| 73.100 (a) | Clarification. |
| 73.100 (r) (7) | To properly list smoke candles, smoke signals and smoke pots as Common Fireworks, class C explosives. |
| 73.100 (s) | To provide for the transportation of various types of igniter cord which are class C explosives. |
| 73.118 (c) (21) | To exclude vinyl trichlorosilane from exemptions for flammable liquids. |
| 73.120 (b) | To require certain types of engines or motors (internal combustion) when offered for transportation to have their fuel tanks drained. |
| 73.135 (a) | To provide packing requirements for vinyl trichlorosilane. |
| 73.153 (c) (61) | To exclude calcium, metallic, crystalline from exemptions for flammable solids. |
| 73.158 (a) (3) | To provide an additional package for lauroyl peroxide, dry. |
| 73.208 (a) (1) | To provide an additional inside container for the packing of titanium metal powder, wet. |
| 73.231 | To provide packing requirements for calcium, metallic, crystalline, a new material. |
| 73.232 | To provide additional safeguards when empty tank cars which previously contained phosphorus are offered for transportation. |
| 73.257 (a) (7) | To provide additional shipping containers for electrolyte (acid) or corrosive battery fluid. |
| 73.260 (c) | To provide an additional package for shipping electric storage batteries. |
| 73.267 (a) (2) | To provide an additional shipping container for mixed acid (nitric and sulfuric acid) (nitrating acid). |
| 73.267 (a) (9) | To limit use of Spec. 5A drums constructed of carbon steel for the transportation of mixed acid containing 80% or more nitric acid. |
| 73.268 (b) (1) | To delete reference to 103AL-W tank car and to provide for the use of 103A-AL-W tank car for the transportation of nitric acid. |
| 73.306 (b) | To correct an omission. |
| 73.326 (b) | To delete reference to a section which has been cancelled. |
| 73.334 (a) | Clarification. |
| 73.345 (b) (10), (b) (11), (b) (12), (b) (13). | To exclude hexaethyl tetraphosphate, methyl parathion, tetraethyl dithio pyrophosphate and tetraethyl pyrophosphate, liquid, from exemptions for poisonous liquid, class B. |
| 73.358 | To provide for the use of additional containers for the transportation of hevaethyl tetraphosphate, methyl parathion, tetraethyl dithio pyrophosphate and tetraethyl pyrophosphat liquid. |
| 73.359 | To provide for the use of additional containers for the transportation of hexaethyl tetraphosphate mixtures, methyl parathion mixtures, tetraethyl dithio pyrophosphate mixtures and tetraethyl pyrophosphate, mixtures, liquid. |
| 73.377 (a) | To provide for the transportation of hexaethyl tetraphosphate mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry. |
| 73.377 (e) | To provide exemptions for certain mixtures of insecticides, dry. |
| 73.378 (a) (5) | To provide additional packing for beryllium metal powder. |
| 74.525 (b) (12) | To delete reference to smokeless powders, class A, which have been reclassified as propellant explosives, class A. |

APPENDIX—Continued

| | *Section and Reason for Amendment* |
|---|---|
| 74.526 (1) | To prohibit loading explosives, class A, near any source of ignition (refrigeration equipment, gas-driven electric generators, etc.). |
| 74.529 (a) | To prohibit loading explosives, class B, near any source of ignition (refrigeration equipment, gas-driven electric generators, etc.). |
| 74.532 (b) | To prohibit loading flammable liquids and flammable compressed gasses near any source of ignition (refrigeration equipment, gas-driven electric generators, etc.). |
| 74.562 (c) | To provide for the placarding of tank cars filled with water and containing residual phosphorus. |
| 74.582 (a) | To clarify carrier requirements with respect to forwarding shipments of explosives and other dangerous articles. |
| 74.584 (a) Table | To provide adequate warning on billing for shipment of tank cars filled with water and last containing phosphorus. |
| 74.584 (f) | To provide for placard endorsements on billing for cars containing radioactive materials. |
| 74.589 (b) | To require carriers to replace "Caution-residual phosphorus" placards lost in transit and to remove same from cars if not required. |
| 74.589 (h) (3) | To require that cars placarded "Explosives" be separated from cars containing radioactive materials. |
| 74.589 (h) (9) | To require that cars placarded "Explosives" be separated from cars equipped with internal combustion engines which are in operation. |
| 74.589 (j) (3) | To require that loaded tank cars placarded "Dangerous" be separated from cars containing radioactive materials. |
| 74.589 (j) (9) | To require that cars placarded "Dangerous" be separated from cars equipped with internal combustion engines which are in operation. |
| 75.655 (d) | Prohibits railway express shipments of explosives, flammable liquids, and flammable compressed gases to be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves are used. |
| 78.50–12 (a) Note 1 | To permit a brass fitting to be brazed to the steel boss or flange on ICC–4B cylinders which are designed as hand fire extinguishers. |
| 78.59–3 (b) (4) | To provide for more practical handling of reports on manufacture of cylinders. |
| 78.60–3 (b) (3) | To provide for more practical handling of reports on manufacture of cylinders. |
| 78.83–11 (a) | Clarification. |
| 78.85–10 (a) (3) | To provide for example of marking requirements for Spec. 5F drums. |
| 78.87–5 (b) | To correct an omission. |
| 78.115–2 (a) | To delete capacity for bilge-type drums, which type is not authorized in this specification. |
| 78.116–2 (a) | To delete capacity for bilge-type drums, which type is not authorized in this specification. |
| 78.117–2 (a) | To delete capacity for bilge-type drums, which type is not authorized in this specification. |
| 78.118–2 (a) | To delete capacity for bilge-type drums, which type is not authorized in this specification. |
| 78.125–5 (a) Table | To limit authorized gross weights for Spec. 37D drums. |
| 78.126–5 (a) Table | To limit authorized gross weights for Spec. 37E drums. |
| 78.127–5 (a) Table | To limit authorized gross weights for Spec. 37F drums. |
| 78.128–5 (a) Table | To limit authorized gross weights for Spec. 37G drums. |
| 78.129–5 (a) Table | To limit authorized gross weights for Spec. 37H drums. |
| 78.130–5 (a) Table | To limit authorized gross weights for Spec. 37K drums. |
| 78.169–4 (a) | To correct an error. |
| 78.259 (b) (7) | To simplify procedure of handling of tank car applications for approval of designs, etc. incident to the construction of, alterations to, and conversion of tank cars. |
| 78.271, ICC–9 | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |
| 78.272, ICC–9 | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |
| 78.273, ICC–9 | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |
| 78.274, ICC–9 | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |
| 78.286, ICC–11 (c) | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |
| 78.287, ICC–11 (c) | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |
| 78.288, ICC–11 (c) | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |
| 78.289, ICC–11 (c) | To eliminate the need for gauging device, sampling valve and thermometer well on cars which are loaded by weight. |

[F. R. Doc. 52-3342; Filed, Mar. 26, 1952; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF DEFENSE

### Department of the Army

CHIEF OF ENGINEERS

DELEGATION OF AUTHORITY WITH RESPECT TO REIMBURSEMENT

Authority is delegated to the Chief of Engineers, Department of the Army, and such of his officers or employees in the Office, Chief of Engineers, as he may designate and are approved by the Secretary of the Army to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Army with respect to reimbursement under the provisions of section 501 (b), Public Law 155, 82d Congress.

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 52-3494; Filed, Mar. 26, 1952; 8:48 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 17243, Amdt.]

ANNA A. A. BRANDT

In re: Estate of Anna A. A. Brandt, deceased. File 017-26733.

Vesting Order 17243, dated January 26, 1951, as amended, is hereby further amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Lubert, Auguste Hartwig, Adele Kurze, Emil Lubert, Ida Blumenauer, Gustav Hoppner, Luise Brassler, Frederike Hensler, Wilhelmine Hoppner, Johanna Luise Heidemann, Herman Bruning, Anna Schnier, Johanna Fredericke Usling, Auguste Haubrock, August Bruning, Karl Friederick Beiderwieden, and Emma Heidemann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Karl Beiderwieden, and the heirs at law, next of kin and distributees of Anna A. A. Brandt, deceased, except Carl Berger, a resident of the United States, who there is reasonable cause to believe on or since December 11, 1941,

and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Carl Berger, a resident of the United States, and each of them, in and to the estate of Anna A. A. Brandt, deceased, is property which is and prior to January 1, 1947, was payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Frederick Behr, as surviving administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

5. That the property described as follows:

a. All those certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in the Borough and County of The Bronx, City and State of New York, being known and designated as Lots Numbers 445 and 446 on a certain map entitled, Map of 471 lots of the Claflin Estates, property of Mrs. Arthur Claflin and Grange Realty Co., located on West Kingsbridge Road, Sedgwick Avenue, Reservoir Avenue, Webb Avenue, Claflin Avenue and University Avenue, Eames Place, West 195th Street, Strong Street and West 197th Street, Borough of The Bronx, City of New York, dated August 22, 1919, Geo. C. Hollerith, filed in Bronx County Register's Office, September 16, 1919, as Map Number 357, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, said premises being now known as and by the street number 2735 University Avenue, excepting from the foregoing only the undivided interest in said property of Carl Berger, and

b. All that certain piece or parcel of land, with the buildings and improvements thereon erected, being the premises numbered 887 East 178th Street, in the Borough of Bronx, City and State of New York, situated at the Northwest corner of East 178th Street and Honeywell Avenue, bounded and described as follows, viz., beginning at the Northwesterly corner of Honeywell Avenue and East 178th Street, running thence Westerly along the Northerly side of East 178th Street, 70.24' thence Northerly parallel with Honeywell Avenue, 36.44' to the Northerly line of Lot No. 251 on a Map entitled "Map of the Village of East Tremont, in the Town of West Farms, Westchester County", made by William G. Livingston, C. E. and S., West Farms, dated September 1, 1886 and filed in the Office of the Register of Westchester County; and thence Easterly along said Northerly line of Lot No. 251, 70.24' to the Westerly side of Honeywell Avenue, and thence Southerly along the same, 36.52' to the point or place of beginning, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, excepting from the foregoing only the undivided interest in said property of Carl Berger,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, except Carl Berger, a resident of the United States, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, subject to recorded liens and encumbrances held by or for persons who are not nationals of designated enemy countries,

All such property to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 52-3500; Filed, Mar. 26, 1952; 8:48 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Misc. 61649]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM UMATILLA PROJECT

MARCH 21, 1952.

An order of the Bureau of Reclamation dated April 23, 1951, concurred in by the Associate Director, Bureau of Land Management, June 11, 1951, revoked the Departmental orders of February 25, 1903, April 3, 1903, March 17, 1904, August 16, 1905, August 16, 1906, August 25, 1909, January 28, 1910, and December 15, 1916, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Umatilla Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 4 N., R. 24 E.,
Sec. 8, lots 3 and 4;
Sec. 12, SW¼SW¼;
Sec. 24, S½S½.
T. 4 N., R. 25 E.,
Sec. 2;
Sec. 4, lots 1 and 2;
Sec. 8, lot 5, NE¼SE¼;
Sec. 10, N½NE¼, NW¼, S½;
Sec. 12, E½SW¼, NW¼SW¼, N½;
Sec. 20, S½SW¼, SE¼;
Sec. 22, NE¼NE¼, S½N½;
Sec. 24, NE¼, E½NW¼, SW¼NW¼.
T. 5 N., R. 25 E.,
Sec. 24, lot 1.
T. 4 N., R. 26 E.,
Sec. 2, lots 13, 14, NE¼SE¼, S½SE¼;
Sec. 4, lots 3, 4, S½NW¼, SW¼, N½SE¼;
Sec. 6;
Sec. 8, NW¼NE¼, N½NW¼, S½SW¼, SE¼;
Sec. 10, N½.
T. 5 N., R. 26 E.,
Sec. 18, lots 1, 2, 3;
Sec. 20;
Sec. 22, W½SW¼;
Sec. 26, SW¼, W½SE¼, SE¼SE¼, S½NE¼SE¼;
Secs. 28, 30, 32, 34.
T. 4 N., R. 27 E.,
Sec. 6, lots 3, 4, 5, SE¼NW¼;
Sec. 24, NW¼NE¼, S½NE¼, SE¼.
T. 5 N., R. 27 E.,
Sec. 14, lots 3 and 4;
Sec. 17, lot 1;
Sec. 19, lot 1;
Sec. 20, N½N½, SE¼NW¼, NW¼SW¼;
Sec. 22, S½;
Sec. 24, NE¼, NE¼NW¼, S½NW¼;
Sec. 28, NW¼;
Sec. 30, S½ lot 1 of SW¼, S½ lot 2 of SW¼, N½NE¼, SW¼SE¼;
Sec. 32, NW¼.
T. 4 N., R. 28 E.,
Sec. 2, lot 3, S½SE¼NE¼;
Sec. 22, S½NE¼, SE¼NW¼, SW¼;
Sec. 23, W½NW¼;
Sec. 27, E½NW¼;
Sec. 28, NE¼, N½NW¼.
T. 5 N., R. 28 E.,
Sec. 10, S½SE¼;
Sec. 12;
Sec. 14, NE¼SW¼, SE¼, N½;
Sec. 20, SW¼NE¼, W½SE¼;
Sec. 22, S½SW¼;
Sec. 24, E½NE¼, NW¼NE¼, N½NW¼;
Sec. 28, E½E½;
Sec. 32, W½NE¼.
T. 5 N., R. 29 E.,
Sec. 8, lots 1 and 2;
Sec. 10, lot 1;
Sec. 14, S½;
Sec. 18;
Sec. 20, N½;
Sec. 22, N½NW¼, N½SE¼;
Sec. 24;
Sec. 26, NW¼, NE¼SW¼, E½;
Sec. 27, NE¼NE¼.

The above areas aggregate 15,151.87 acres.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such

lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM PINCUS,
*Assistant Director.*

[F. R. Doc. 52-3465; Filed, Mar. 26, 1952; 8:45 a. m.]

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ALASKA

SHORESPACE RESTORATION ORDER NO. 475

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

ANCHORAGE LAND DISTRICT

SEWARD MERIDIAN

T. 9 S., R. 14 W.,
Sec. 6: Lot 2, NW¼SE¼.

A tract of land located on the west shore of Cook Inlet, Alaska, in approximate latitude 60°16'09" N., longitude 152°30'00" W., more particularly described as follows: "Commencing at corner No. 1, identical with corner No. 2, U. S. Survey No. 2369, thence south 57° 42' W. 2,640 feet, more or less, to corner No. 2, thence south 32° 18' E. to point of intersection with the line of mean high water, thence in a northeasterly direction along the line of mean high water to a point south 32° 18' E., a distance of 1,620 feet, more or less, from point of beginning; thence to point of beginning."

The above described lands aggregate approximately 153.29 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 8, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 90 days from April 8, 1952, to July 7, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 19, 1952, to April 7, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 8, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 8, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 18, 1952, to July 7, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 8, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regu-

lations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Anchorage, Alaska.

HAROLD T. JORGENSON,
*Chief, Division of Land Planning.*

[F. R. Doc. 52-3466; Filed, Mar. 26, 1952; 8:45 a. m.]

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ALASKA

SHORESPACE RESTORATION ORDER NO. 476

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

FAIRBANKS LAND DISTRICT

FAIRBANKS MERIDIAN

T. 9 S., R. 10 E.,
Sec. 8: Lots 4, 5, and 6.

Containing approximately 97.05 acres.

A tract of land located on Hot Springs Slough, Alaska, identified as U. S. Survey No. 2842, containing approximately 5 acres.

A tract of land located on Lake Minchumina, Alaska, in approximate latitude 63°52'45" N., longitude 152°20' W., to be identified as U. S. Survey No. 3069, containing approximately 5 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 8, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 90 days from April 8, 1952, to July 7, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 19, 1952, to April 7, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 8, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 8, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 18, 1952, to July 7, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 8, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

HAROLD T. JORGENSON,
*Chief, Division of Land Planning.*

[F. R. Doc. 52-3467; Filed, Mar. 26, 1952; 8:45 a. m.]

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ALASKA

SHORESPACE RESTORATION ORDER NO. 477

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Clover Passage, Alaska, identified as U. S. Survey No. 2899, homesite application of Oral Edward Freeman, Anchorage 018022, containing approximately 2.72 acres.

A tract of land located on Auke Bay, Alaska, identified as Lot 3, U. S. Survey No. 2909, homesite application of Alvin V. Lynch, Anchorage 018033, containing approximately 0.47 acres.

A tract of land located on Tongass Narrows, Alaska, identified as Lot 25, U. S. Survey No. 2604, homesite application of Folke A. Victorson, Anchorage 018082, containing approximately 3.48 acres.

A tract of land located on Clover Passage, Alaska, identified as Lot 2, U. S. Survey No. 2805, homesite application of Arthur Cecil Smith, Anchorage 018084, containing approximately 5 acres.

A tract of land located on Clover Passage, Alaska, identified as Lot 10, U. S. Survey No. 2806, homesite application of Julia Cabarrubias, Anchorage 018245, containing approximately 3.71 acres.

The above described areas aggregate approximately 15.38 acres.

HAROLD T. JORGENSON,
*Chief, Division of Land Planning.*

[F. R. Doc. 52-3468; Filed, Mar. 26, 1952; 8:45 a. m.]

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ALASKA

SHORESPACE RESTORATION NO. 478

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

BIG DELTA AREA

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.
Sec. 3: Lot 6,
Sec. 10: Lot 2,
Sec. 11: Lots 4, 11, 12, 13, 15, 16, and W½ SE¼NW¼SW¼.

Containing approximately 139.44 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such

type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 8, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 90 days from April 8, 1952, to July 7, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 19, 1952, to April 7, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April, 8, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 8, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 18, 1952, to July 7, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 8, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

HAROLD T. JORGENSON,
*Chief, Division of Land Planning.*

[F. R. Doc. 52-3469; Filed, Mar. 26, 1952; 8:46 a. m.]

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ALASKA

SHORESPACE RESTORATION NO. 479

MARCH 19, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 47 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

All lands embraced in the following described subdivisions abutting or lying within 80 rods of the right limit of the Delta River, Alaska:

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.,
Sec. 3: Lots 3 and 4.

HAROLD T. JORGENSON,
*Chief, Division of Land Planning.*

[F. R. Doc. 52-3470; Filed, Mar. 26, 1952; 8:46 a. m.]

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# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

SALE OF MINERAL INTERESTS: REVISED AREA DESIGNATIONS

MISSISSIPPI

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Mississippi, in alphabetical order, add the county "Sunflower."

In Schedule B, under Mississippi, delete the county "Sunflower."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 24th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 52-3524; Filed, Mar. 25, 1952; 1:18 p. m.]

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# DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 9—DPAV-3 (a)]

ADDITION TO AND CORRECTION OF MEMBERSHIP IN OMAHA INDUSTRIES, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the following list of additional member companies is herewith published as additional members of Omaha Industries, Inc., a small business enterprise defense production pool. The original list of participating companies was published on May 12, 1951, at 16 F. R. 4475:

Aero Manufacturing Co., 2100 Holdrege Street, Lincoln, Nebr.

Cornhusker Manufacturing Co., 413 Central Avenue, Nebraska City, Nebr.

Frederickson Building Corp., Twenty-third Street at Twenty-eighth, Columbus, Nebr.

Fuchs Machinery & Supply Co., Fifteenth and Jackson Streets, Omaha, Nebr.

Glantz Manufacturing Co., 626 North Minden Avenue, Minden, Nebr.

Keystone Home Improvement Co., 910 South Saddle Creek, Omaha, Nebr.

Kosch Manufacturing Co., Columbus, Nebr.

Misner Corp., 2333 South Twenty-fourth Street, Omaha, Nebr.

Nebraska City Iron Works, Nebraska City, Nebr.

Omaha Fabricating Co., 220 South Seventy-ninth Street, Omaha, Nebr.

Precision Screw & Tool Co., 5522 South Thirty-sixth Street, Omaha, Nebr.

Rosen Novak Auto Co., 2036 Farnam Street, Omaha, Nebr.

Sidles Co., 508 South Nineteenth Street, Omaha, Nebr.

Thomas Specialty Co., 1200 West South Street, Hastings, Nebr.

Timberlock Corp., 1801 West B Street, Hastings, Nebr.

United Industries, Inc., 1305 Farnam Street, Omaha, Nebr.

Mr. W. Dean Vogel, 1612 Farnam Street, Omaha, Nebr.

Westfall Welsh Manufacturing, 5501 South Thirty-sixth Street, Omaha, Nebr.

The following list of companies was erroneously reported by Omaha Industries, Inc. as members of that defense production pool the names of which appeared in the original publication on May 12, 1951, at 16 F. R. 4475:

Beau Brummell Co., 123 South Nineteenth Street, Omaha, Nebr.

Cook Paint & Varnish Co., 1433 Davenport, Omaha, Nebr.

Crown Products Co., Ralston, Nebr.

Interstate Printing Co., 1307 Howard Street, Omaha, Nebr.

Inland Manufacturing Co., 1108 Jackson Street, Omaha, Nebr.

Kayan Furnace & Sheet Metal Works, 1801 Vinton Street, Omaha, Nebr.

Koutsky-Brennan Vana Co., 2306 N Street, Omaha, Nebr.

J. H. Kaphfer Auto Parts Co., Dennison, Iowa.

Ko-Z-Aire, Red Oak, Iowa.

T. S. McShane Co., 1113 Howard Street, Omaha, Nebr.

Newman Store Planning Service, 4107 South Twenty-fourth Street, Omaha, Nebr.

Omaha Cap Manufacturing Co., 201 South Tenth Street, Omaha, Nebr.
Olson Bros., 2651 St. Mary's Omaha, Nebr.
Rodger Tent & Awning Co., Fremont, Nebr.
Stylecraft Manufacturing Co., 1123 Howard Street, Omaha, Nebr.
Standard Tent & Awning Co., 4525 Military, Omaha, Nebr.

(Sec. 708, 64 Stat. 818, Pub Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: March 25, 1952.

MANLY FLEISCHMANN,
*Administrator.*

[F. R. Doc. 52-3578; Filed, Mar. 26, 1952; 11:04 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10159, 10160]

VENANGO BROADCASTERS AND OLIVIA T. RENNEKAMP

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harris G. Breth, William J. Thomas, and LeRoy W. Stauffer, d/b as Venango Broadcasters, Franklin, Pennsylvania, Docket No. 10159, File No. BP-8315; Olivia T. Rennekamp, Corry, Pennsylvania, Docket No. 10160, File No. BP-8346; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of March 1952;

The Commission having under consideration the above-entitled applications requesting construction permits for new standard broadcast stations to operate on 1370 kc, with 500 w power, daytime only, at Franklin and Corry, Pennsylvania, respectively.

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant and the applicant partnership and its partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, which would exist between the service areas of the proposed station at Corry, Pennsylvania, and of Station WKRZ, Oil City, Pennsylvania, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.25 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 52-3496; Filed, Mar. 26, 1952; 8:48 a. m.]

[Docket Nos. 10161, 10162]

JERRELL A. SHEPHERD AND KMMJ, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Jerrell A. Shepherd, Jefferson City, Missouri, Docket No. 10161, File No. BP-8151; KMMJ, Inc., Columbia, Missouri, Docket No. 10162, File No. BP-8392; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of March 1952;

The Commission having under consideration the above-entitled applications of Jerrell A. Shepherd for construction permit for a new standard broadcast station to operate on 950 kc, with 1 kw power, daytime only, at Jefferson City, Missouri, and KMMJ, Inc., for construction permit for a new standard broadcast station to operate on 950 kc, with 5 kw power, daytime only, at Columbia, Missouri.

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant and the corporate applicant, its officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose, primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Columbia, Missouri, would involve objectionable interference with Station WTAD, Quincy, Illinois, and whether the operation of either of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

*It is further ordered*, That Lee Broadcasting, Inc., licensee of Station WTAD, Quincy, Illinois, is made a party to this proceeding with respect to the application of KMMJ, Inc., only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 52-3497; Filed, Mar. 26, 1952; 8:48 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1882]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 20, 1952.

On January 28, 1952, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due

notice of the filing of the application, including publication in the FEDERAL REGISTER on February 12, 1952 (17 F. R. 1377–1378).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing to be held on April 14, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 21, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3471; Filed, Mar. 26, 1952; 8:46 a. m.]

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[Docket No. G-1907]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 20, 1952.

Take notice that on March 3, 1952, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed, pursuant to section 7 of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas facilities as hereinafter set forth.

(1) A new gas supply system to bring to Applicant's Gwinville compressor station in Mississippi gas from various fields in South Louisiana and Mississippi, including a new 3,300 hp. compressor station in Louisiana and 8,100 hp. addition to the Gwinville station, and related metering, distillate reduction and dehydration facilities.

(2) Additions to Applicant's existing transmission system consisting of 59 miles of looping of the existing Gwinville-Pickens line, 269 miles of triple loop line on Applicant's North line, 16 miles of loop line to complete the double looping of Applicant's North Line, 214 miles of loop line on Applicant's South Line, additional 4,400 hp. at the Reform compressor station and a new 4,050 hp. compressor station on the South Line.

(3) 30 miles of 12-inch and 14-inch loop lines on Applicant's Yates lateral line and Cedartown lateral line.

(4) Line taps and measuring stations to serve: (a) Certain communities in Applicant's present market area; (b) the Southeast Alabama Gas District for service to various communities in southern Alabama; (c) South Georgia Natural Gas Company, Inc., for service to various communities in southwest Georgia.

(5) 130 miles of 16-inch line from Bass Junction in Georgia to Aiken, South Carolina, in lieu of 14-inch line applied for at Docket No. G-1676, for delivery of gas to South Carolina Electric & Gas Company for service to various communities in South Carolina, including a new 2,400 hp. compressor station at Bass Junction.

(6) 120 miles of 14-inch line from a point on the line described in (5) above to Savannah, Georgia, for the delivery of gas to South Atlantic Gas Company and to certain direct industrial customers.

The delivery capacity of the system would be increased from 670,000 Mcf per day (including the facilities sought at Docket No. G-1676) to 1,020,000 Mcf per day. The facilities herein would be constructed over a three-year period. Applicant estimates the cost of the proposed facilities at $76,317,300, the financing to depend upon the requirements at the various periods of construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before 9th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3476; Filed, Mar. 26, 1952; 8:47 a. m.]

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[Docket No. G-1910]

ALLENTOWN-BETHLEHEM GAS CO. ET AL.

NOTICE OF APPLICATION

MARCH 20, 1952.

In the matters of Allentown-Bethlehem Gas Company, Consumers Gas Company, The Harrisburg Gas Company, Lancaster County Gas Company, The United Gas Improvement Company; Docket No. G-1910.

Take notice that the Allentown-Bethlehem Gas Company (Allentown-Bethlehem), Consumers Gas Company (Consumers), The Harrisburg Gas Company, (Harrisburg), and Lancaster County Gas Company (Lancaster), hereinafter sometimes collectively referred to as "Applicants", filed a joint application on March 6, 1952, pursuant to section 7 (b) of the Natural Gas Act for an order of the Commission authorizing the abandonment of certain facilities and services of the Applicants hereinafter described.

The United Gas Improvement Company (U. G. I), also a party to the joint application above referred to seeks a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to acquire and operate the facilities and render the services, the abandonment of which is sought by the Applicants.

The Applicants and the U. G. I. are corporations organized and existing under the laws of the Commonwealth of Pennsylvania and have their principal places of business in the communities below:

Allentown-Bethlehem Gas Company, 516 Hamilton Street, Allentown, Pa.

Consumers Gas Company, 441 Penn Street, Reading, Pa.

The Harrisburg Gas Company, 14 South Market Square, Harrisburg, Pa.

Lancaster County Gas Company, 70 North Duke Street, Lancaster, Pa.

The United Gas Improvement Company, 1401 Arch Street, Philadelphia, Pa.

The facilities and service which Applicants seek to abandon and which was previously authorized in various proceedings before the Commission, is as follows:

Allentown-Bethlehem (Docket No. G-1255). To construct and operate an 8-inch steel pipe approximately 2.3 miles in length, extending from its Didier catalytic cracking plant to the fourteen inch Coatesville-Port Jervis transmission line owned and operated by The Manufacturers Light and Heat Company (Manufacturers), and to sell gas for resale to the City Gas Company of Phillipsburg, New Jersey.

Consumers (Docket No. G-1256). To construct and operate an 8-inch steel lateral line 21 miles in length from Reading to Millway, Pennsylvania, at which point said line connects with three 8-inch lines of Manufacturers, and to sell gas for resale to Lebanon Valley Gas Company.

Harrisburg (Docket No. G-1254). To construct and operate an 8-inch steel pipe line 18 miles in length, extending from its catalytic cracking plant at Steelton, Pennsylvania, to the transmission lines of Manufacturers, and to sell gas for resale to Lebanon Valley Gas Company.

Lancaster (Docket No. G-1253). To construct and operate five noninterconnected lateral lines as follows:

(a) Approximately 3.45 miles of 6-inch pipe from its gas manufacturing plant in Lancaster City to the interstate gas transmission line of Texas Eastern Transmission Corporation, which company has delivered for the account of Manufacturers;

(b) Approximately 2.17 miles of 3-inch steel pipe from the central distribution plant of its Manheim division to the transmission line of Manufacturers;

(c) Approximately 3.22 miles of 4-inch steel pipe from the central distribution plant of its Columbia division to the interstate transmission line of Texas Eastern Transmission Corporation, which company has delivered for the account of Manufacturers;

(d) Approximately 0.133 mile of 3-inch steel pipe from the central distribution plant of its Mount Joy division to the transmission line of Manufacturers; and

(e) Approximately 0.53 mile of 4-inch steel pipe from the central dis-

tribution plant of its Lititz division to the interstate transmission line of Manufacturers.

The application recites that the U. G. I. will continue to operate the jurisdictional facilities described above in exactly the same manner as they are presently being operated.

The above named Applicants, namely Allentown-Bethlehem, Consumers, Harrisburg and Lancaster, all being subsidiaries of U. G. I. will be merged into U. G. I. under the latter company's plan of acquisition, pursuant to the provisions of the Pennsylvania Consolidation and Merger Act of 1909 as amended.

Applicants and U. G. I. request that their joint application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3475; Filed, Mar. 26, 1952; 8:47 a. m.]

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[Project No. 1808]

CHESTER O. MILLER ET AL.

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

MARCH 21, 1952.

In the matter of Chester O. Miller, Faye S. Miller, Henry W. Miller, and Betty M. Miller; Project No. 1808.

Notice is hereby given that on January 25, 1952, the Federal Power Commission issued its order entered January 22, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3472; Filed, Mar. 26, 1952; 8:46 a. m.]

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[Project No. 2050]

OTTO F. LINK ET AL.

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

MARCH 21, 1952.

In the matter of Otto F. Link, W. E. Seavy, and Henry J. Gelling; Project No. 2050.

Notice is hereby given that on February 8, 1952, the Federal Power Commission issued its order entered February 5, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3473; Filed, Mar. 26, 1952; 8:46 a. m.]

[Project No. 2099]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 20, 1952.

Public notice is hereby given that The California Oregon Power Company of Medford, Oregon, has made application for preliminary permit for a period of three years pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) for a hydroelectric development (Project No. 2099) on Squaw Valley Creek and McCloud River in Shasta and Siskiyou Counties, California, affecting lands of the United States with Shasta National Forest. The tentative plans for the proposed hydroelectric development consist of two alternate plans for using available waters of the McCloud River between elevations 3,000 feet and 1,000 feet. Tentative Plan A would consist of two developments, McCloud No. 1 and McCloud No. 2. McCloud No. 1 would consist of a small diversion dam on McCloud River at about elevation 3,000 feet, a canal and tunnel to carry diverted waters to Squaw Valley Creek, a dam on Squaw Valley Creek about 300 feet high creating a reservoir with a maximum reservoir elevation about 2,900 feet, a tunnel about 6 miles long, a short penstock, and a powerhouse containing an installation of 150,000 horsepower. Static head would be about 1,136 feet. McCloud No. 2 would consist of a dam about 260 feet high on McCloud River about one mile downstream from the mouth of Squaw Creek, a reservoir with maximum elevation of 1,764 feet, a tunnel about 6 miles long, a short penstock, and a powerhouse containing an installation of 120,000 horsepower. Static head would be about 664 feet. Tentative Plan B would consist of four developments, McCloud Nos. 2, 3, 4 and 5, all located on McCloud River. McCloud No. 3 would consist of a diversion dam located at same site as McCloud No. 1, a canal about 12 miles long, a short penstock, and a powerhouse. Static head would be about 742 feet. McCloud No. 4 would consist of a dam about 370 feet high located on McCloud River about 3 miles upstream from the McCloud No. 3 powerhouse, a reservoir with a capacity of about 150,000 acre-feet, and a tunnel about 1½ miles long discharging into the powerhouse of McCloud No. 3 development. McCloud No. 5 would consist of a dam about 230 feet high located about two miles downstream from McCloud No. 3 powerhouse, a reservoir with a capacity of about 20,000 acre-feet, a tunnel about 2.6 miles long, and a powerhouse containing an installation of 85,000 horsepower. Static head would be about 466 feet. McCloud No. 2 would be the same as described under Plan A.

Any protest against the approval of this application or request for any action thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before May 1, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3474; Filed, Mar. 26, 1952; 8:46 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26906]

GRAIN FROM POINTS IN WYOMING, COLORADO, AND NEW MEXICO TO POINTS IN TEXAS

APPLICATION FOR RELIEF

MARCH 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Colorado and Southern Railway Company and other carriers.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Wyoming, Colorado, and New Mexico.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3941, Supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3461; Filed, Mar. 26, 1952; 8:45 a. m.]

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## OFFICE OF DEFENSE MOBILIZATION

[RC 38; No. 389]

LAREDO, TEXAS, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

MARCH 26, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of

Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

*Laredo, Texas, Area.* (The area consists of that portion of Webb County, Texas, lying within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the City of Laredo.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
*Secretary of Defense.*
C. E. WILSON,
*Director of Defense Mobilization.*

[F. R. Doc. 52-3572; Filed, Mar. 26, 1952; 10:28 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2802]

WEST PENN ELECTRIC CO. AND WEST PENN POWER CO.

ORDER PERMITTING SUBMISSION OF FIRST MORTGAGE BONDS TO COMPETITIVE BIDDING AND SALE OF COMMON STOCK BY A RIGHTS OFFERING

MARCH 21, 1952.

West Penn Electric Company ("Electric"), a registered holding company, and its subsidiary, West Penn Power Company ("Power"), a public utility company and also a registered holding company, having filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 9, 10 and 12 (d) of the act and Rules U-43, U-44, and U-50 thereunder with respect to the following proposed transactions:

Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of __ Percent First Mortgage Bonds, Series O, due 1982. The invitation for bids will provide that each bid shall specify the coupon rate for the bonds, which shall be a multiple of ⅛ percent, and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus accrued interest from April 1, 1952.

The bonds will be issued under an Indenture, dated March 1, 1916, between Power and the Equitable Trust Company of New York (now succeeded by The Chase National Bank of The City of New York), as Trustee, as supplemented from time to time, the last supplement being dated October 1, 1949, and to be further supplemented by a Supplemental Indenture to be dated April 1, 1952.

Power also proposes to issue and sell shares of its common stock to its stockholders, including its parent, Electric, which owns approximately 94.6 percent of the common stock of Power, in an amount to produce approximately $8,000,000. Power proposes to offer approximately 5.4 percent of these shares for subscription by the public holders of its outstanding common stock. The rights of the public common stockholders to subscribe will be evidenced by transferable subscription warrants. No fractional shares will be issued; however, the warrant holders may purchase, in the market, additional rights sufficient to make up full shares or sell their rights to acquire fractional shares. The filing states that the subscription price will be set at or below the market price for such stock shortly prior to the time the subscription warrants are to be issued. The total number of shares to be issued and the subscription price per share will be supplied by further amendment.

Electric proposes to purchase at the subscription price approximately 94.6 percent of the common stock to be issued by Power plus all shares of the common stock not subscribed for by the public stockholders. Electric will pledge approximately 94.6 percent of the common stock that is issued by Power as additional collateral security with Chemical Bank & Trust Company, Trustee, as required by the Trust Indenture dated September 1, 1949, securing the outstanding 3½ Percent Sinking Fund Collateral Trust Bonds of Electric.

The net proceeds from the sale of the bonds and the common stock are to be used to retire Power's outstanding bank loans in the amount of $4,500,000 and for construction purposes.

The filing states that the Pennsylvania Public Utility Commission has approved the proposed issuance and sale of bonds and common stock and that the Public Service Commission of Maryland has approved the acquisition of the common stock by Electric.

It is requested that the Commission's order herein become effective upon issuance.

Said joint application-declaration, with amendments thereto, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further conditions that the proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record herein, and that the proposed issuance and sale of the common stock shall not be consummated until the total number of shares to be issued and the subscription price per share shall have been made a matter of record herein, and until a further order shall have been entered with respect to such matters, which order may contain further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

*It is further ordered,* That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 52-3478; Filed, Mar. 26, 1952; 8:47 a. m.]

[File No. 70-2812]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED ADVANCES BY HOLDING COMPANY TO ITS SUBSIDIARIES

MARCH 21, 1952.

In the matter of the United Gas Improvement Company, Allentown-Bethlehem Gas Company, the Harrisburg Gas Company, Lancaster County Gas Company; File No. 70-2812.

The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiaries, Allentown-Bethlehem Gas Company, The Harrisburg Gas Company and Lancaster County Gas Company, having filed a joint declaration with the Commission under the Public Utility Holding Company Act of 1935, particularly section 12 thereof and Rules U-23, U-24 and U-25 thereunder, with respect to the following proposed transactions:

UGI proposes to advance to three of its subsidiaries, named below, on open book account, from time to time on or before December 31, 1952, amounts not exceeding the following:

| | |
|---|---|
| Allentown-Bethlehem Gas Co | $1,200,000 |
| The Harrisburg Gas Co | 1,430,000 |
| Lancaster County Gas Co | 770,000 |
| Total | 3,400,000 |

The proposed advances will be made from time to time as funds are needed by the subsidiaries to meet their respective construction needs. The three subsidiaries have a construction budget for the year 1952 in amounts aggregating $4,402,786, of which $330,000 are proposed to be obtained by bank loans of the subsidiaries and the remaining $672,786 from other resources of the subsidiaries, including retained earnings.

It is proposed that the advances bear interest at the rate of 3¼ percent per annum. The declaration states that this rate is the same as that charged by UGI for similar advances previously made, and was determined after giving due consideration to all of the relevant factors

involved. It is proposed that interest will be paid only on such amounts as are actually advanced by UGI.

The declaration states that the advances are to be obtained and used pending consummation of the comprehensive plan of UGI filed under section 11 (e), presently pending before the Commission; under that plan, if consummated, UGI will be merged with its subsidiaries and intercompany indebtedness will be eliminated.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith;

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-3479; Filed, Mar. 26, 1952; 8:47 a. m.]

## ECONOMIC STABILIZATION AGENCY

### Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 80, Amdt. 1]

LINDER BROTHERS, INC.

CEILING PRICES AT RETAIL

*Statement of considerations.* Special Order 80 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for misses' and women's fur trimmed and untrimmed coats manufactured by Linder Brothers, Incorporated and having the brand name "Shagmoor".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 17, 1952.

*Amendatory provisions.* Special Order 80 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 12, 1951," insert the words "as supplemented and amended by its application dated March 17, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 17, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 22, 1952.

*Effective date.* This amendment shall become effective March 21, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3451; Filed, Mar. 21, 1952; 4:47 p. m.]

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[Ceiling Price Regulation 7, Section 43, Special Order 286, Amdt. 1]

SOUTH BEND BAIT CO.

CEILING PRICES AT RETAIL

*Statement of considerations.* Special Order 286 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for fishing equipment manufactured by South Bend Bait Company and having the brand name "South Bend."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 27, 1952.

*Amendatory provisions.* Special Order 286 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated May 31, 1951," insert the words "as supplemented and amended by its application dated February 27, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 27, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 18, 1952.

*Effective date.* This amendment shall become effective March 21, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3453; Filed, Mar. 21, 1952; 4:48 p. m.]

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[Ceiling Price Regulation 7, Section 43, Special Order 668, Amdt. 2]

LUNT SILVERSMITHS

CEILING PRICES AT RETAIL

*Statement of considerations.* Special Order 668 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for sterling silver flatware manufactured by Lunt Silversmiths, and having the brand name "Lunt Sterling".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 4, 1952.

*Amendatory provisions.* Special Order 668 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the date "September 26, 1951" insert the following date "March 4, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 4, 1952, shall become effective on receipt of a copy of the notice for such articles, but in no event later than April 22, 1952.

*Effective date.* This amendment shall become effective March 21, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3454; Filed, Mar. 21, 1952; 4:48 p. m.]

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[Ceiling Price Regulation 7, Section 43, Special Order 847]

FRANK M. WHITING & CO., DIVISION OF THE ELLMORE SILVER COMPANY, INC.

CEILING PRICES AT RETAIL

*Statement of considerations.* In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., 397 West Main Street, Meridan, Connecticut, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which, in the judgment of the Director, indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

This special order, designed to meet the particular requirements of the silverware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order. The pre-ticketing method established by this special order is necessary because the articles covered by the special order are characteristically not adaptable to the usual pre-ticketing method.

The special order contains provisions requiring each article on display to be

marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of Section 43, Ceiling Price Regulation 7.

*Special provisions.* For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sterling silver flatware manufactured by Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., 397 West Main Street, Meriden, Connecticut, having the brand name "Frank M. Whiting & Company", shall be the proposed retail ceiling prices listed by Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., in its application dated September 25, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. and supplemented and amended in the manufacturer's application dated December 24, 1951.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 21, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after May 21, 1952, Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., must furnish each purchaser for reseale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book and a supply of tags and stickers. Such a sign, a price book, and a supply of tags and stickers shall also be sent, on or before the date of the first delivery of an article covered by paragraph 1 of this special order, subsequent to the effective date of this special order. The sign must contain the following legend:

The retail ceiling prices for Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc., sterling silver flatware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Frank M. Whiting & Company, Division of The Ellmore Silver Company, Inc. price book have been approved by OPS under Section 43, CPR 7.

The tags and stickers must be in the following form:

Frank M. Whiting & Company,
Division of The Ellmore Company, Inc.
OPS—Sec. 43—CPR 7
Price $_____

On and after June 20, 1952, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. Prior to June 20, 1952, unless the retailer has received the sign described above and has it displayed so that it may be easily seen, and a copy of the price book described above available for immediate inspection, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order. In addition, the retailer must affix to each article covered by the order and which is on open display a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed. This retail ceiling price must be written on the tag or sticker by the retailer.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 50 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

| (Column 1) | (Column 2) |
|---|---|
| Our price to retailers | Retailer's ceilings for articles of cost listed in column 1 |
| $_____ per_____{unit, dozen, etc.} | Terms{net, percent EOM, etc.} $_____ |

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

*Effective date.* This special order shall become effective March 22, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3455; Filed, Mar. 21, 1952; 4:48 p. m.]

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[Ceiling Price Regulation 7, Section 43, Special Order 848]

ROBINSON REMINDERS

CEILING PRICES AT RETAIL AND WHOLESALE

*Statement of considerations.* In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the

accompanying special order, Robinson Reminders, Westfield, Mass., has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

*Special provisions.* For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of men's and women's wallets, key cases, billfolds, card cases, purses, memorandum pad holders, and combinations sold through retailers and wholesalers and having the brand name(s) "Robinson Reminders" shall be the proposed retail and wholesale ceiling prices listed by Robinson Reminders, Westfield, Mass., hereinafter referred to as the "applicant" in its application dated October 12, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated February 8, 1952 and March 10, 1952).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 21, 1952 no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after May 21, 1952, Robinson Reminders must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $----

On and after June 20, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 20, 1952, unless the the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

| (Column 1) | (Column 2) | (Column 3) |
|---|---|---|
| Item (style or lot number or other description) | Retailer's ceiling price for articles listed in column 1 | Wholesaler's ceiling price for articles listed in column 1 |
| ---------- | $---------- | $---------- |

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

*Effective date.* This special order shall become effective March 22, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MARCH 21, 1952.

[F. R. Doc. 52-3456; Filed, Mar. 21, 1952; 4:49 p. m.]